

TITLE I

GENERAL GOVERNMENT

**ARTICLE 1
TOWN MEETINGS**

Section 1. Date of Annual Meeting and Adjournment
(ART. 93, ATM – 05/23/88) (ART. 12, ATM – 05/09/94)

The Annual Town Meeting for the purposes of conducting the regular Town Election of Town officers including Town meeting members, and for the submission of questions to the voters of the Town, if required to be submitted thereat, shall be held annually on the first Saturday of April unless the Select Board vote not later than February 1 to establish another date in order to better suit the public convenience for reasons it shall determine including, but not limited to, conflicts with the observance of religious holidays. Said election shall be considered part of the Annual Town Meeting held in that year. All articles in the warrant for any regular Town meeting to be acted upon and determined otherwise than by ballot shall be considered at a Town meeting to be held annually on the fourth Monday in April, at eight o'clock in the evening.

Section 2. Call of Meetings
(ART. 21, ATM – 04/29/96) (ART. 7, ATM – 04/28/03)
(ART. 21, ATM – 05/11/11)

The Select Board shall, before calling a Town Meeting, post a notice of their intention to do so in each municipal and school building in the Town at least five days before opening the Warrant calling the meeting. The Warrant for any Annual Town Meeting shall open not later than the first week of December nor shall it be closed earlier than the last Friday of the following January. Furthermore, the Select Board shall make a written request to the Town's licensed cable television provider to place notice of the opening of the Warrant on a cable channel designated for community notices. Additionally, the Select Board shall make a written request to one local newspaper to inform residents of the opening of the Warrant.

A copy of the warrant for a meeting shall be posted in each municipal and school building at least seven days before the day of the Annual Meeting, fourteen days before a Special Town Meeting, and a copy left at every dwelling house in the Town previous to the day of meeting. A copy of the warrant for any state election shall be sent to every dwelling house only to the extent required by the General Laws. The Town Clerk shall cause notice of such meeting to be published in at least one local newspaper.

Section 3. Duties of Moderator
(ART. 27, ATM – 05/06/02)

The duties of the Moderator, and the government of the Town Meeting, not specially provided for by law, or by the foregoing rules, shall be determined by rules of practice contained in Town Meeting Time, A Handbook of Parliamentary Law, by Johnson Trustman and Wadsworth, a Committee of the Massachusetts Moderator's Association, published by Massachusetts Moderators Association 2001, so far as they are adapted to the condition and powers of the Town.

Section 4. Duties of Clerk

A. Record of Attendance A record of the attendance of Town Meeting Members at all representative Town Meetings shall be made under the direction of the Town Clerk, said record to be available to the public.

B. Stenographic Record A complete stenographic record of the proceedings of the Town Meeting, including all discussion and debate, shall be made under the direction of the Town Clerk, said record shall be available to the public no later than sixty (60) days. Any partial record of the proceedings of Town Meeting shall be available to the public when said record is received by the Town Clerk prior to the required time period designated under this Section.

Section 5. Duties of Town Meeting Members

Town Meeting Members shall strive to be regular and prompt in their attendance at all sessions of the Annual and Special Town Meetings held during the terms of office for which they have been elected. Town Meeting Members shall undertake to educate themselves regarding the form, conduct and administration of the government of the Town and the rules governing the conduct of the Town Meeting.

They shall seek, by their attendance at scheduled precinct meetings, at hearings on the various articles held by the Finance Committee and the Select Board, and at such other meetings as may be scheduled to provide the information, to inform themselves to the greatest extent possible with respect to all issues to come before an Annual or Special Town Meeting.

Town Meeting Members shall conduct themselves in accordance with the rules established for the conduct of the Meeting, shall demonstrate fairness, courtesy and respect for the opinions and positions of their fellow Members, and shall otherwise perform their duties and responsibilities in such a manner as to reflect credit upon the legislative and appropriating body of the Town.

Section 6. Quorum

(ART. 15, ATM – 05/09/94), (ART. 22, ATM – 05/11/11)

Twenty five percent of the total number of Town Meeting positions shall constitute a quorum for doing business at Town Meeting. No non-procedural action or reconsideration requiring a two-thirds vote under the provisions of any general or special law shall be taken without the affirmative vote of at least eighty-five Town Meeting Members, provided that no standing vote shall be required to satisfy the requirements of this section if the Town Clerk certifies on the record that at least eighty five Town Meeting Members are present and voting. (Note: This Quorum By-Law is allowed based on a Special Law, Chapter 428 of the Acts of 1984 and supersedes the Quorum requirements of Chapter 43A Section 5.)

Section 7. Regulation of Speakers

A. Right to Address Meeting

(ART. 12, ATM – 04/27/92)

The following officers shall have the same power to address the Town Meeting as an elected Town Meeting Member, but they shall not have a vote in the Town Meeting: the Town

Moderator, the Town Clerk, the Town Treasurer, the Town Manager, the Superintendent of Schools, the Chairperson of the Select Board, the Assessors of Taxes, the School Committee, the Redevelopment Board, the Finance Committee, the Personnel Board, and the Chairperson of all other Boards, Commissions and Committees established under the bylaws or by a vote of the Town Meeting.

In the absence of the Chairperson of any of the foregoing, the Vice Chairperson shall have the rights of the Chairperson.

B. Manner of Speaking

(ART. 28, ATM – 05/06/02)

Every person desiring to speak shall arise, address the chair and on obtaining recognition, shall stand, while speaking, unless the Moderator otherwise directs. A Town Meeting Member who speaks upon any matter in which the speaker or their immediate family has a direct financial interest shall first disclose such interest to the meeting. The words direct financial interest shall include, but not be limited to, employment as attorney or consultant with respect to the matter.

C. Time Limits

(ART. 18, ATM – 04/29/92) (ART. 11, ATM – 04/26/99)

(ART. 20, ATM – 4/30/12) (ART. 8, ATM-04/27/15)

No person shall speak, or otherwise hold the floor, for the first time on any subject for more than seven minutes, unless, prior to beginning their presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting.

No person shall speak, or otherwise hold the floor, for a second time on any subject for more than five minutes.

No person shall speak, or otherwise hold the floor, more than twice on any subject except to correct an error, without first

obtaining permission of the meeting by obtaining a majority vote of the Town Meeting Members present and voting. After obtaining said permission, the person shall not speak, or otherwise hold the floor, for more than five minutes.

No person shall speak, or otherwise hold the floor on any matter brought up under the Article concerning reports of Committees or under the agenda category for announcements and resolutions, for more than four minutes, unless prior to beginning, their presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting. Nothing set forth in this bylaw shall be construed to limit the discretion of the Town Moderator to regulate the conduct of the meeting.

Section 8. Procedures Committee
(ART. 15 – ATM, 05/30/07)

- A. Name.** The name of this committee shall be the Town Meeting Procedures Committee.
- B. Appointing Authority.** The Moderator shall be the appointing authority for the committee, and shall also fill any vacancies.
- C. Composition.** The committee shall consist of five members who shall be: the Moderator, the Assistant Moderator, and three Town Meeting Members.
- D. Duties.** The committee shall consider, recommend, and report to the Town Meeting on matters related to Town Meeting procedures. The committee shall take a broad view of matters related to Town Meeting procedures. In addition to considering how such matters affect the Town Meeting, the committee shall also consider how these matters affect the desire of voters of the Town to become Town Meeting Members.
- E. Transitional provision.** When this section comes into effect, Town Meeting Members already on the committee shall remain on the committee. If the Moderator or Assistant Moderator is already on the committee, the Moderator shall now be on the committee by virtue of their office and their Town Meeting Member position on the committee shall be declared vacant.

Section 9. Appointment of Committees
(ART. 14, ATM – 05/09/94)

A. Scope This section shall apply to all committees (as hereinafter defined) established by the Town Meeting, or under the bylaws, except to the extent that the vote establishing the same shall specify otherwise, or if the General Laws or Special Acts require a different method. It shall not be applicable to committees established prior to the effective date hereof, except to the extent that the Town Meeting may vote to make any one or more provisions hereof applicable to the same.

B. Definitions

- 1. Appointing Authority** - the person or entity having the power to appoint persons to committees. Unless otherwise specified, the Moderator shall be the appointing authority.
- 2. Committee** - any committee, commission, board, task force or other such group however denominated.
- 3. Entity** - a board, corporation, voluntary association, committee, commission, or other group. Unless the bylaws or a vote of such entity specify otherwise, an entity shall act by its chair, president, or other chief executive officer.
- 4. Members of a Committee** - registered voters of the Town, unless the vote otherwise specifies.
- 5. Nominating Authority** - the person or entity having the power to nominate or designate one or more members of a committee. If no nominating authority is specified, the appointing authority shall also be the nominating authority.
- 6. Town Official** – (ART. 10, ATM – 04/26/99)

whenever a vote by the Town Meeting or a Bylaw shall provide for the appointment or nomination of an elected or appointed official of the Town, except a Town Meeting member, such designation shall be considered to mean and shall include the designee of such official, unless the vote or bylaw specifically provides otherwise.

- C. Establishment** Promptly after the effective date of any vote establishing a committee, the Town Clerk shall notify the appointing and nominating authorities of the same. Within sixty (60) days of the date of such notice, the nominating authorities shall submit the names and addresses of their nominees to the appointing authority.

If any one or more of them shall fail or neglect to do so, the appointing authority may appoint in place of such nominees, any registered voter of the Town.

The appointing authority shall within thirty (30) days of receiving the nominations or upon thirty (30) days of failing to receive the nominations within the time hereinabove provided, make the appointments in writing to the Town Clerk, who shall promptly notify the appointees.

- D. Organization** The appointing authority shall designate one of the appointees as acting chairperson, and the Town Clerk, in the course of notifying the appointees, shall instruct such acting chairperson to call an initial meeting, at which the committee shall elect its officers by ballot.

- E. Default** If the appointing authority shall fail to exercise the duties set forth above, then the Moderator shall act as appointing authority, and, in the event of default by the Moderator, the Town Clerk shall so act.

F. Term of Office:

1. Members shall serve terms of three years
2. Re-appointments, or appointments to fill vacancies, shall be made in the same manner as original appointments.

3. If a member has been appointed by reason of their status as a registered voter, their term of office shall cease if such member removes from the Town.
4. If a member has been appointed by reason of their status as a member of an entity, their term of office shall cease if such person ceases to be a member of such entity.
5. If a member shall fail to attend three (3) or more consecutive meetings of the committee, the committee may, by vote, remove such member and request the nominating authority to nominate a replacement to the appointing authority.

G. Miscellaneous The Town Meeting by the vote establishing any committee may alter any one or more of the foregoing provisions with respect to such committee, but any provision not so altered will be in full force and effect with respect to the same. Members shall serve without compensation, but, subject to appropriation, shall be entitled to be reimbursed for their reasonable expenses incurred in connection with their official duties.

Section 10. Procedural Rules

A. Motions in Writing All questions or motions submitted for the consideration of the Town Meeting shall be reduced to writing if required by the presiding officer.

B. Reading Articles

(ART. 13, ATM – 04/29/92)

The reading of warrant articles and proposed votes related thereto shall not be required except by a motion adopted by a majority vote of those members present and voting, provided that the information and precise wording of the same has been made available, in writing, to each Town Meeting Member who may be present when the same are being considered by the Town Meeting.

C. Votes

*(ART. 13, ATM – 04/29/92), (ART. 22, ATM – 05/11/11),
(ART. 12, ATM – 04/22/13), (ART. 11, ATM – 04/28/14)*

“All votes, unless otherwise provided by law, shall be taken in the first instance by a “yes” and “no” voice vote or by an electronic tally at the option of the Moderator. If the Moderator is in doubt as to the voice vote, or if five voters immediately question a voice vote, the Moderator shall call for a standing vote or an electronic tally, at the option of the Moderator. In an instance where the difference between the yes and no votes according to an electronic tally is less than 6 votes, then the individual votes shall be displayed.

On all questions submitted for the consideration of the Town Meeting, when requested by thirty or more Town Meeting Members present at the meeting, there shall be a roll call vote, either by voice or by an electronic vote, at the option of the Moderator. If an electronic tally was previously taken on the question, the vote of each Town Meeting Member who voted electronically in the first instance shall be displayed and recorded. All roll call votes, oral or electronic, shall be recorded so as to indicate the individual vote of each Town Meeting Member who shall have voted. Said record of roll call votes, oral or electronic, shall be available as recorded at the Town Clerk's Office.

Whenever a vote of two-thirds of the Town Meeting Members present and voting is required on any matter, the Moderator may declare a motion passed by a voice vote or electronic tally of at least two-thirds in favor. A standing vote or further electronic tally need not be taken unless required by law or these Bylaws. The Town Clerk shall record the Moderator's declaration that the motion passed by a two-thirds vote in favor.

The individual votes shall always be displayed if the margin of success of the prevailing side, calculated by subtracting the

smallest number needed to prevail from the actual number of prevailing votes, is less than three.

- D. Motions** When a question is under debate, motions shall be received to adjourn, to lay on the table, the previous question, to postpone to a certain time, to commit, or to amend; which several motions shall have precedence in the order stated. The first three shall be decided without debate.

E. Reconsideration

(ART. 13, ATM – 04/29/92) (ART. 19, ATM – 04/27/88)

A motion to reconsider any vote must be made before the final adjournment of the meeting at which the vote was passed, but such motion to reconsider shall not be made at an adjourned meeting unless the mover has voted on the prevailing side, and has given notice of their intention to make such motion at the session of the meeting at which the vote was passed.

There can be no reconsideration of a vote once reconsidered, or after a vote not to reconsider.

No article in the warrant shall again be taken into consideration after it has been disposed of unless ordered by vote of two-thirds of the Town Meeting Members present and voting. A notice to reconsider any vote must be made orally to the meeting either from the floor or announcement by the moderator that such notice has been served.

- F. Previous Question** No motion to move the previous question may be made by a person who otherwise speaks on the question. A person desiring to move the previous question must limit themselves to the words "I move the previous question" or words that have the same limited effect. A person recognized by the Moderator to speak a second time on a question may move the previous question if such person does not otherwise speak on the question when recognized for the second time.

- G. Committee Reports** No action shall be taken by any Town Meeting on the Report of any committee, previously chosen, unless the same shall be specified in the warrant calling said meeting.

Section 11. Assistant Moderator
(ART. 14, ATM – 04/28/03)

- A.** Election: Each year at the Annual Town Meeting, the Town Meeting Members shall elect one of their number to serve as Assistant Moderator for a term of one year, or until the Assistant Moderator's successor is elected and qualified.
- B.** Duties: Whenever the Moderator is unavailable, the Assistant Moderator shall preside at Town Meeting. In addition, the Assistant Moderator shall assist the Moderator in the performance of their duties, as the Moderator may direct.

ARTICLE 2
SELECT BOARD
(ART. 20, ATM –4/25/18)

Section 1. Duty

The Select Board shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for, so far as permitted by law.

The Select Board is the entity historically known as the "Board of Selectmen," and possesses all the duties, authorities, and legal rights and responsibilities of the Town of Arlington's "Board of Selectmen."

Section 2. Representative Powers

The Select Board may appear, either personally or by Town Counsel or by Special Counsel duly employed by them before any Court, Committee of the Legislature, or any Federal, State, or County Board of Commissioners, or other tribunal to protect the interests of the Town, but they are not

authorized hereby to commit the Town to any course of action. They shall have authority as agents to institute, prosecute and defend suits and claims against or involving the interests of the Town, and to settle same when, in their judgment upon advice of counsel, such settlement is for the best interest of the Town.

Section 3. Reports Due to Select Board
(ART. 20, ATM – 04/27/88)

All Boards and officers shall make an annual report covering each year and forward same to Select Board not later than January 15 of the following year, or at an earlier date if required by the Select Board.

Section 4. Privilege at Town Meeting
(ART. 14, ATM – 04/29/92)

Notwithstanding any other provision of the Bylaws, any member of the Select Board shall be entitled to seek the recognition of the Moderator as though said Select Board member were a Town Meeting Member.

Section 5. Town Home Page
(ART. 50, ATM – 05/19/97)

The Select Board is authorized and directed to publish on the Town's Internet home page, subject to space availability, various documents and other information it deems in the public's interest to provide, including but not limited to, Town Meeting warrants and minutes of meetings of the Select Board.

Section 6. Office Title

Members of the Select Board may be addressed as "Select Board Member," or "Board Member," "Selectwoman," or "Selectman."

ARTICLE 3
TOWN CLERK

Section 1. Town Seal

The Town Clerk shall have the custody of the Town Seal.

Section 2. Conveyances

All conveyances under seal, which may hereafter be executed by the Town, pursuant to a vote of the Town, or otherwise, shall be sealed by such seal and subscribed by a majority of the Select Board.

Section 3. Annual Report

The Town Clerk shall make a full index of all reports and prepare a report upon the vital statistics of the Town for publication in the Annual Town Report.

Section 4. Notice to Committees

It shall be the duty of the Town Clerk to immediately notify in writing all members of committees who may be elected or appointed at any town meeting stating the business upon which they are to act and the names of the persons composing the committees.

Section 5. Report of Town Meeting Actions

It shall be the duty of the Town Clerk, immediately after every town meeting, to furnish the Town Accountant and the Board of Assessors with a statement of all appropriations made by the Town at such meeting, and the purpose for which such appropriations were made and the manner of raising the same. They shall also notify all boards, officers and committees of all votes passed at any town meeting in any way affecting them.

Section 6. Record Keeping

It shall be the duty of the Town Clerk to properly record, file, and index all contracts, agreements, releases, bonds, deeds and all other papers and documents in any way affecting the interests of the Town when filed with them, and all such papers and documents unless otherwise required by law, shall be so filed by all boards, officers and committees at such time as the work to which such papers or documents pertain, shall have been completed.

ARTICLE 4
TREASURY & COLLECTIONS DIVISION
(ART. 5, STM – 12/05/18)

Section 1. Duty

The Town Treasurer shall administer the Treasury & Tax Collections Divisions.

Section 2. Divisions

A. Tax Collection Division
(ART. 15, ATM – 05/04/09)

1. The Town Treasurer also acts as the Collector of Taxes.
2. The Collector of Taxes shall seasonably collect, under the title Town Collector, all accounts due the Town which are committed to the Collector. When the Collector of Taxes serves a written demand for the payment of any delinquent taxes, a demand fee of \$30 shall be added to the amount of the tax demanded thereby.
3. Every department of the Town shall deliver to the Comptroller at least once in every month a separate statement of each account due the Town arising through any transaction with such department. Upon receipt of such statements of accounts, the Comptroller shall commit such accounts to the Town Collector for collection. This section shall not apply to taxes and special assessment, licenses and permits issued or granted by the various departments of the Town, nor to interest on investments of sinking or trust funds.
4. Any account committed by the Comptroller which the Town Collector is unable to collect by ordinary efforts will be referred back to the department in which said account originated for further collection effort. So far as permitted by law, any account or portion thereof may be abated by the Comptroller upon recommendation by said department.

In the event the account cannot be collected within a reasonable period of time and is not abated, it shall be referred by the Town Collector to the Town Counsel for appropriate legal action and the Comptroller shall be notified of said referral.

5. The Tax Collection Division shall, once in each week or oftener, pay over to the Treasury all money received during the preceding week or lesser period on every such account, including any sums received as interest on monies received on such accounts and deposited in any bank.

B. Treasury Division

1. The Town Treasurer receives and takes charge of all monies belonging to the Town.
2. The Town Treasurer shall pay all monies of the Town which are legally due and owing, according to the order of the Town or its authorized officers.
3. The Town Treasurer shall, from time to time during the fiscal year, prepare and update a cash flow projection of anticipated receipts and expenditures and shall manage the Town's excess cash by prudently investing same to the maximum advantage of the Town as permitted by law.
4. The Town Treasurer shall determine the amounts of interest and maturing debt to be included in the annual budget for the ensuing year.
5. The Town Treasurer shall have custody of all paid matured notes, bonds and coupons issued by the Town and all canceled checks.
6. The Town Treasurer shall manage the Town's debt.

Section 3. Bond

The Town Treasurer shall give bond to the Town for the faithful performance of the duties of the office in a form approved by the Commissioner of Revenue and in such a sum to be determined by the Select Board, provided the amount of the bond shall not be less than the amount set by the Commissioner.

The bond must cover all funds of which the Town Treasurer has custody. A separate bond must similarly be furnished covering the Town Treasurer's duties as Town Collector.

Section 4. Appointment of Treasurer

The Town Treasurer & Collector of Taxes shall be appointed by the Town Manager in coordination with the Finance Director. If the Treasurer & Collector of Taxes is also being appointed as the Finance Director, the position shall be appointed by the Town Manager without consultation.

ARTICLE 5 COMPTROLLER (ART. 18, ATM – 05/14/07)

Section 1. Duties

The Comptroller shall have in addition to the powers and duties conferred and imposed upon Town Accountants, by General Laws, the following powers and duties:

- A. Methods of Accounting** They shall prescribe the methods of Accounting and forms to be used by the several departments of the town where in the collection or disbursement of money is concerned, so that such methods and forms shall conform to the requirements of the State Accounting System.
- B. Standard Practices** They shall establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters.

They shall prepare and issue rules and regulations and instructions relating thereto that shall be binding upon all town agencies and employees.

C. Warrants for Payment The Comptroller shall draw all warrants upon the Town Treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.

D. Verification of Warrants Prior to submitting any warrants to the Town Manager, the Comptroller shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby.

In connection with any such examination, the Comptroller may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered or received by any town officer or agency.

If, upon examination, it appears to the Comptroller that such bills, drafts or orders are fraudulent, unlawful or excessive, the Comptroller shall file with the Select Board and the Town Treasurer a written report of the reasons for the Comptroller's findings.

E. Custody of Vouchers The Comptroller shall have custody of all vouchers which have been entered on warrants for payments and approved by the Town Manager and Comptroller. Said vouchers are to be available for inspection by the Town Treasurer at all times.

F. Balance Sheets The Comptroller shall submit a monthly Balance Sheet and an annual Balance Sheet with detailed statements of Cash Receipts and Cash Disbursements at the end of each fiscal year to the Select Board and the Department of Revenue for certification of the Town's Free Cash. Said financial statements shall conform to the requirements of the

State System of Accounting and may be audited as directed by the Select Board.

G. Annual Audit and Regular Reports

(ART. 12, ATM – 4/24/95)

The Comptroller shall be responsible for coordination of the Annual Town Audit. The Comptroller shall provide the Select Board, Town Manager, Town Treasurer and Chairperson of the Finance Committee with a quarterly report of revenues and expenditures. Each month the Comptroller shall provide said officials with a report comparing actual with estimated revenues. Whenever applicable, the Comptroller shall make recommendations regarding the Town's financial condition that the Comptroller deems appropriate.

Section 2. Written Purchase Orders

(ART 22, ATM – 04/27/88)

No head of a department, board or committee authorized to spend money shall make purchases of supplies or materials or contract to render services to the Town without issuing a written purchase order on prescribed forms for all such supplies or materials or services to be rendered; provided, however, that the provisions of this section shall not apply to the salaries or wages of part-time or regularly-employed officers, clerks and wage earners of any department of the Town.

All purchase orders shall be in triplicate; one to be designated for the Vendor; one to be designated for and delivered to the Comptroller; and one to be designated for the files of the department issuing the order. The order designated for the Vendor, before being transmitted to the Vendor shall be submitted to the Comptroller to be certified by the Comptroller that there is sufficient unencumbered balance of the appropriation to be charged to liquidate the amount of the order, provided, however, that verbal orders for supplies or materials or services to be rendered may be issued for an amount not to exceed five hundred dollars. All verbal orders shall be confirmed in writing on the prescribed purchase order forms on the day the orders are given and transmitted immediately to the Comptroller for certification.

ARTICLE 6
CLASSIFICATION AND COMPENSATION PLANS
AND
HUMAN RESOURCE BY-LAW
(ART. 12, ATM – 04/30/12)(ART. 5, STM – 12/05/18)

Section 1. The Classification Plan

The official classification plan shall consist of class titles appearing in Schedule A which is made a part hereof, together with class definitions which are on file with the Human Resource Director (for purposes of this article ‘Director’) of the Town.

Section 2. The Compensation Plan

The official compensation plan which appears in Schedule B shall consist of salary ranges which provide minimum and maximum rates together with intermediate step rates of single salary rates for each full-time position class in the Classification Plan. The Compensation Plan shall include compensation grades to which position classes are allocated in Schedule A.

Section 3. Amendment of the Plans

(ART 32, ATM – 05/01/89) (ART. 19, ATM – 04/29/96)

The classification and compensation plans have been established pursuant to the authority contained in Section 108C of Chapter 41 of the General Laws. Either plan may be amended in the manner provided in this statute and the by-laws of the Town. Rates appearing in the compensation plan may be established or changed by vote of the Town at a Town Meeting, or as provided by law, whichever is applicable. Requests to the Director of the Town for any amendment to this By-Law at any Annual Town Meeting shall be made in writing and shall be received by the Director on or before September 10th of the year preceding such Annual Town Meeting.

The Director shall communicate their decision regarding the request to the party submitting the request no later than November 1st. An employee may appeal any reclassification determination of the Director to the Human Resource Board which shall review said request and either uphold or overrule the Director's determination after consultation with the Director. The Classification Plan shall be amended accordingly to reflect the determination of the Human Resource Board in the event it overrules the determination of the Director.

In like manner, the initial determination of the Director, if favorable to the employee, shall cause an amendment to the Classification Plan to be made accordingly. Notwithstanding the foregoing, no amendment shall become effective until the Town Meeting appropriates funds to fund same. The Director shall submit an individual request within an article for an appropriation for each reclassification to the Town Meeting to fund each reclassification approved by the Director as well as those approved on appeal to the Human Resource Board.

Town Meeting may not act favorably on Articles submitted on behalf of employees aggrieved by the determination of the Human Resource Board. No employee may request reclassification of the same position in consecutive years.

Section 4. Human Resource Board
(ART. 32, ATM – 05/01/89)

There shall be a Human Resource Board consisting of three members who shall be appointed by the Town Manager. The initial appointments thereto shall be for a one, two and three year term respectively. Thereafter each term shall be for a period of three years. Members shall serve without compensation and shall serve until their successors are appointed.

Section 5. Class Definitions

The Director shall prepare and may amend, from time to time, written definitions of the classes in the classification plan, each consisting of a statement describing the essential nature of the work characteristic of positions in the class that distinguish such positions from positions of other classes, with such examples as may be deemed appropriate.

Section 6. Interpretation of Class Definitions

The definitions of the classes shall be interpreted as descriptive only and not restrictive. The definition for any class shall be construed solely as a means of identifying positions classified under the appropriate class, title, and not as prescribing what the duties or responsibilities of any position of the class shall be, or as modifying or in any way affecting the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of, any employee under the jurisdiction of such authority.

Section 7. Records and Requisitions

The Director shall keep such records of all employees of the Town, including the name, age, date of employment, classification of position occupied, department in which employed, nature of duties and other information as they deem desirable.

All requisitions for persons to fill positions or perform duties classified under the Civil Service Law, all requests for transfers, increases in salary, changes in rating, or other requests made to the Director of Civil Service or the Department of Civil Service, shall be processed through the Director.

Similarly, all such personnel actions relating to positions which are not subject to Civil Service Law, but which are subject to the classification and compensation plans, shall be processed by the Director.

Section 8. Allocation of Positions to Classes

The Director shall classify each position subject to the provisions of this by-law in accordance with the classification plan.

Whenever a new position is established, or the duties of an existing position are so changed that in effect a new position of a different classification is substituted for the old position, the Director shall, in the same manner, classify such new or changed position.

In the event the Director determines that a new or changed position requires the establishment of a position class not included in the classification plan, they may authorize temporarily the necessary new classification subject to ratification at the next succeeding Special or Annual Town Meeting.

The Director shall have the authority to reclassify a position if the Director finds that such action is warranted by reason of error in the classification then in effect.

The Director shall afford reasonable opportunity to be heard to any employee or appointing authority affected by any classification or reclassification, upon written request therefor.

Section 9. Allocation of Positions in the Town Clerk's Office

A. Power of Clerk and Treasurer/Collector
(ART. 28, STM – 05/15/95) (ART. 5, STM – 12/05/18)

The Town Clerk , as an independent authority, may reorganize, consolidate, or otherwise establish new positions in their department without prior Town Meeting approval subject to available funds and the requirements of collective bargaining contracts and laws relating to same. Said authority may appoint persons to fill such new positions so created on a temporary basis.

B. Role of Director Before taking any of the aforementioned contemplated actions, the Clerk shall notify in writing the Director specifying the reasons therefore which notice shall not be dated earlier than December 1 of any calendar year.

The Director will consult with and assist the Clerk in the contemplated action except when the Director disagrees with the contemplated action in which event the Director will so advise the Clerk as to the reasons therefore not later than 21 days after receipt of the Clerk's notice of contemplated action unless said date is mutually extended.

If the Director agrees with the contemplated action, then the Director will so advise the Clerk in writing and the contemplated action shall become effective immediately.

If the Director disagrees with the contemplated action then the Director will so advise the Clerk in writing of the reasons therefore. In such event the Director shall take immediate steps to convene a meeting of the Human Resource Board established under Section 4 of Title I, Article 6 of the bylaws. Said Board shall consider presentations of the Director and the Clerk and will make a written recommendation regarding the contemplated action.

The Human Resource Board shall convene not later than 14 days after disapproval by the Director of the contemplated action and render its advisory opinion within seven days of its consideration thereof. In any event the contemplated action

may be implemented by the Clerk at any time after the expiration of thirty days from the date of the Director's written disapproval of same notwithstanding any contrary recommendation of the Human Resource Board or its failure to timely meet to consider same.

- C. Approval by Town Meeting** Any action on consolidation, reorganization, abolition of position, and the filling of positions associated therewith shall not become permanently effective until approved by the next occurring annual Town Meeting. Any new positions created shall not be placed into the Classification Plan unless so voted by the Town by amendment to the Classification Plan as established by Title I, Article 6 of the bylaws.

Disapproval by the Town Meeting of the action of the Clerk shall reestablish the status quo in said department prior to the action of the Clerk having been taken.

Section 10. Titles of Positions

No person shall be appointed, employed or paid as an employee in any position subject to the provisions of this by-law under any title other than that set forth in the classification plan for the position which they occupy.

The title of each class shall be the official title of every position classified thereunder for all purposes having to do with the position as such, and shall be used to designate the position on all payrolls, budget estimates and official records and reports, and in every other connection involving personnel and fiscal processes, but any abbreviation or code symbol approved by the Director may be used in lieu of the title to designate the class of a position in any such connection.

Section 11. Appropriation to Cover Changes in Pay Plan

A Town Meeting vote which authorizes any change in rates from those which appear in either Schedule A or Schedule B under Sections 1 and 2 of this article (Title I, Article 6) shall include the appropriation of funds required to finance the change.

Section 12. Vacation Leave

A. Leave with Pay Vacation leave with pay shall be granted to all regularly employed personnel, subject to the classification and compensation plans. These employees are provided opportunity to accrue vacation leave in order that they may have periods of rest and relaxation from their job for health and well being, consistent with work load and staffing requirements of their department. Employees are encouraged to request vacation leave in blocks of time sufficient to ensure rest and relaxation. An employee shall be considered regularly employed and eligible for vacation if they worked six months for the Town in a position included in the Classification and Compensation Plan.

B. Accrual Rates

(ART. 38, ATM – 06/19/00)

1. Vacation leave credits are not accumulated and cannot be used during the first six (6) months of employment.
2. All regularly employed personnel shall be credited with five (5) days of vacation leave upon completion of their first six (6) months of service as long as these employees do not receive more vacation leave in their first year of employment than granted in number three below.
3. All regularly employed personnel with more than six (6) months but fewer than five (5) years of service shall receive twelve (12) days of vacation leave.
4. All regularly employed personnel with five (5) years but fewer than ten (10) years of service shall receive eighteen (18) days of vacation leave.
5. All regularly employed personnel with ten (10) years but fewer than twenty-five (25) years of service shall receive twenty-four (24) days vacation leave.

6. All regularly employed personnel with twenty-five (25) years or more of service shall receive thirty (30) days of vacation leave.
7. Vacation accrual rates for employees covered by a collective bargaining agreement are governed by their applicable contract.

C. Effective Date (*ART. 19, ATM – 4/30/12*)

Vacation leave will be granted to all eligible Town employees, according to their accrual rates, on January 1 of each year. For School Department employees, vacation leave will be granted to eligible employees, according to their accrual rates, either on July 1 or September 1 of each year.

D. Scheduling The scheduling of vacation periods with pay shall be arranged and approved prior to use by the Department Head for such time or times as best serve the public interest and department efficiency.

In case of conflict in scheduling vacation time, preference will be given based on seniority or other provisions established by the Department Head.

E. Limits on Accumulation (*ART. 51, ATM – 05/05/10*)
(*ART. 19, ATM – 4/30/12*)

Vacation leave may not be accumulated from one vacation year to another, except when in the opinion of the appointing authority, it is impossible or impractical to use because of work schedules or other emergencies to do otherwise.

(1) Requests for such carryover by Town employees must be submitted to the appropriate authority before the end of the calendar year in which the vacation leave was granted, provided that all carryover vacation shall be used by the following April 30th.

Notwithstanding the previous sentence, all Town employees who have been granted carryover vacation days on December 31, 2009, shall be allowed to carry over two thirds of that amount on December 31, 2010, and one third of that amount on

December 31, 2011. All vacation days carried over under the previous sentence shall be utilized by December 31, 2012, and the previous allowance shall cease to have effect on that date.

(2) In the School Department, requests for carryover must be submitted to the Superintendent before the end of the employee's vacation year. All carryover vacation shall be used by the end of the four months following the conclusion of the employee's work year. Notwithstanding the previous sentence, all School Department employees who have been granted vacation days on December 31, 2009, shall be allowed to carry over two thirds of that amount at the commencement of their work year in 2011 and one third of that amount at the commencement of their work year in 2012. All vacation days carried over under the previous sentence shall be utilized by the commencement of the 2013 work year.

- F. Coordination with Absences** Absences on account of sickness in excess of those authorized or for personal reasons not provided for under leave regulations may, at the discretion of the Department Head, be charged to vacation leave.
- G. No Loss of Benefits** Whenever employment is terminated by dismissal through no fault or delinquency of an employee's part, or by resignation, retirement or death, without their having been granted a vacation to which they are entitled, they, or in the case of their death, their estate shall be paid vacation pay at the regular rate of compensation at which it was earned payable to them at termination of employment.
- H. Holidays** If a holiday falls within the vacation period, it shall not count as part of the vacation allowance.
- I. Part Time Employees** Regular part-time employees accrue and earn vacation leave on a pro-rated basis according to the differences between their regularly scheduled work week and the normal work week.

- J. No Advances** Vacation leave credits shall not be advanced for use prior to their being earned.

All of the above to be effective for non union and M Schedule employees and to become effective for all union employees upon ratification by the respective bargaining units.

Section 13. Sick Leave

- A. Qualification** Regularly employed personnel subject to the classification and pay plans must complete six months of service before qualifying for sick leave, at the end of which time seven and one-half days credit will be allowed.
- B. Limitation** Earned sick leave with pay will be limited to one and one-quarter days per month, not to exceed fifteen days per year, and will be credited on the first day of each month. Sick leave credit will begin on the first day of the month following employment except as otherwise provided in Sub-section A. Employees having an aggregate of more than two days of authorized leave without pay in any calendar month shall not receive sick leave credit for that month.
- C. Accumulation**
(ART. 16, ATM – 04/24/06)
There shall be payment of accumulated sick leave upon the employee's death, retirement, or leaving the employment of the Town. When a person leaves the employment of the Town, this employee, or in the case of death the employee's estate, shall be paid twenty-five percent (25%) of the employee's rate of pay for any and all unused and accumulated sick leave. Any employee hired after July 1, 1997, will have sick leave buy back limited to 150 days. No sick leave credit for prior employment will be allowed employees rehired or reinstated after a termination of service other than approved leave of absence.
- D. Definition of Incapacity** Sick leave with pay shall be granted to employees only when they are incapacitated for the performance of their duties by sickness, injury or quarantine by health authorities.

E. Commencement Sick leave will commence on the day notification of the illness is given by the employee, the employee's family, or the employee's physician. Such notification shall be given within one hour of the regular appointed starting time.

F. Evidence of Incapacity For absence on account of sickness, the department head or the appointing authority may require evidence in the form of a physician's certificate for the necessity for absence, such certificate to give the nature of illness and the expected duration. If such certificate is not filed after request therefor, such absence may be applied, at the discretion of the department head, to vacation leave or leave without pay.

The department head shall require such certificate at the end of two weeks of illness and subsequent certificates may be required at the discretion of the department head or the appointing authority.

G. Attendance Record (*ART. 12, ATM – 4/30/12*) Every department of the Town shall keep a uniform attendance record on such form as approved and audited by the Comptroller for each employee showing sick leave both accrued and granted. The information on such record shall be transmitted by the head of the department to the Personnel Board upon request.

H. Part Time Employees Part-time employees whose hours of work follow a regular schedule will be allowed such proportion of sick leave credit as their actual part-time service bears to full-time service.

I. Coordination with Workers' Compensation Employees injured on the job and receiving Workmen's Compensation may, upon request, be granted such sick leave allowance payment as will when added to the amount of Workmen's Compensation, results in the payment to them of their full salary, provided they have such sick leave credit.

- J. Discretionary Extensions** Discretionary sick leave not exceeding fifteen days may be granted by the appointing authority provided all accumulated sick leave and vacation leaves have been exhausted, and shall be charged against future sick leave credit, provided further that in connection with employees with at least twenty years of service with the Town and in the event of extenuating circumstances as determined by the appointing authority, additional sick leave not to exceed 150 days may be granted, which shall be similarly charged to future sick leave credit.

Section 14. Other Absences

A. Bereavement

(ART. 38, ATM –06/19/00)

An absence with pay, to the extent necessary but not to exceed five days, shall be granted in case of death of immediate member of an employee's family. Immediate family means spouse, child, father, mother, sister, brother, or grandparents. An absence with pay of one day shall be granted in case of death of an employee's in-laws or grandparents of spouse.

- B. Military Service** Any permanent employee of the Town called for an annual tour of duty with the armed forces shall be paid their usual salary for a period not exceeding two calendar weeks and shall be entitled to the same leaves of absence or vacation with pay given to other like employees.

- C. Jury Duty** A regular employee called up for jury duty shall be paid an amount to bring their salary up to their usual rate of pay. Notice of service shall be filed with the department head upon the receipt of a summons.

- D. Veteran's Conventions** Leave of absence with pay may be granted by the appointing authority to permanent employees who are authorized delegates to state or national conventions of the following veterans' organizations: American Legion, AMVETS of World War II, Disabled American Veterans, Legion of Valor, Marine Corps League, Military Order of the Purple Heart and Veterans of Foreign Wars.

- E. Union Conventions** Leave of absence with pay may be granted by the appointing authority to permanent employees who are authorized delegates of recognized employee organizations for the purpose of attending annual state conventions of their parent AFL-CIO or independent organizations. However, if said employees' regular compensation is paid by the employee organization, then such leave of absence as may be granted by the appointing authority shall be without pay.
- F. Maternity** Maternity leave of absence without pay shall be permitted in accordance with the provisions of Section 105D of Chapter 149 of the General Laws of the Commonwealth. A physician's certificate shall be submitted to the employee's department head before the employee returns to work following a maternity leave of absence.
- G. Medical Examination** The appointing authority at any time may require a physical and/or a psychiatric examination of an employee to determine said employee's fitness for regular full time duty. Said examination to be performed by a physician or a psychiatrist selected by the appointing authority and at the expense of the Town.

Section 15. Personal Leave

- A. One Day per Year as of Right** A personal leave of absence of one day with pay shall be granted to all full time employees of the Town on January 1 of each year, said personal leave to be in addition to any sick leave or vacation leave to which the employee is entitled and time of allowance of said leave to be at the discretion of the department head after receiving reasonable notice from the employee. Said personal day cannot be used during the first six (6) months of employment.
- B. Personal days for Good Sick Leave Record**
(ART. 86, ATM – 06/16/97)

1. Employees who do not use sick leave shall be granted personal leave without loss of pay up to five (5) days per calendar year in accordance with the following:

Employees who do not report out sick from January 1 to March 31, shall receive one (1) additional day. Employees who do not report out sick from April 1 to June 30, shall receive one (1) additional personal day. Employees who do not report out sick from July 1 to September 30, shall receive one (1) additional personal day. Employees who do not report out sick from October 1 to December 31, shall receive one (1) additional personal day.

In addition to the foregoing, those employees who do not report out sick more than four (4) days during the calendar year shall receive one (1) additional personal day.

2. Personal day earned for good sick leave record may not be accumulated beyond one year from the day of its being credited.

Employees while receiving workers' compensation shall not be eligible for personal days under this program.

Section 16. Holidays

(ART. 44, ATM –06/16/97) (ART. 17, ATM – 05/30/07)

In order to qualify for holiday credit, a regular employee shall have worked on the last regularly scheduled work day prior to, and the next regularly scheduled work day following such holiday, unless it is an absence for which compensation is payable as provided under this by-law.

The following days in each year shall be considered as holiday credits:

New Year's Day
Martin Luther King Day
Washington's Birthday
Patriot's Day

Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day

Memorial Day
Independence Day

Christmas
Christmas Eve Day if
same Falls on a Monday
through Friday

Whenever a holiday falls on Saturday, another working day off with pay shall be arranged at the discretion of the department head.

Good Friday shall be considered as half day holiday credit. The day following Thanksgiving shall be treated as a holiday unless an employee is scheduled to work same by the department head in which event the employee will be granted another day off at the discretion of the department head.

Section 17. Proposition 2 1/2 Cutbacks (*ART. 12, ATM – 4/30/12*)

DELETED

Section 18. Deferred Salary Increases

(*ART. 44, ATM – 06/20/84*) (*ART. 67, ATM – 06/21/93*)

Effective July 1, 1984 a deferred salary increase to any employee upon leaving the upon leaving the employment of the Town after July 1, 1984 (provided that the employee was employed by the Town on or before July 1, 1984); and that said deferred increase shall be granted on the date of separation so that the average salary of the employee's last three years will be equal to the average salary of the last three years as if an actual 5% salary and wage increase was granted on July 1, 1984. This provision shall be implemented and funded notwithstanding any existing or future position classification and pay plan and Section 19 of Title I Article 6 of the Town bylaws. Any amount necessary to fund this provision shall be taken from existing or future budgets.

Effective July 1, 1991 a deferred salary increase to any employee upon leaving the employment of the Town after July 1, 1993, (provided that the

employee was employed by the Town on January 1, 1993) and that said deferred increase shall be granted on the date of separation so that the average salary of the employee's last three years will be equal to the average salary of the last three years as if an actual 2% salary and wage increase was granted on July 1, 1991, i.e. a six percent (6%) adjustment made to last paycheck if employee leaves after July 1, 1994.

Section 19. Merit Compensation Plan

Schedule M, Merit Compensation Plan (Special Town Meeting - 4/28/75).

Section 20. Personnel Department

Various personnel and personnel-related functions may be consolidated in the Personnel Department for the purposes of efficiency and cost-effectiveness.

Nothing in the foregoing, however, shall be construed to derogate or diminish the statutory duties, powers and responsibilities of the Arlington Contributory Retirement Board as established by Chapter 32 of the General Laws.

Section 21. Benefits for Town Clerk

(ART. 24, STM – 11/17/93) (ART. 5, STM – 12/05/18)

Notwithstanding the fact that the elected position of the Town Clerk is not included in the Classification and Compensation Plans, the Clerk shall be entitled to vacation leave and sick leave as provided in Title I, Article 6, Sections 12 and 13, respectively to the same extent as if said positions was so included.

It is the intention of the Town that any person having occupied the position of Town Clerk and Treasurer/Collector since the Annual Election in February of 1984 shall be entitled to the accumulation of sick leave as provided by Title I, Article 6, Section 13 retroactive to the date of their first having been elected to the position of Town Clerk and Treasurer/Collector respectively. All effected officials shall certify the number of days accrued to date to the Director and thereafter on a yearly basis.

Said elected officials shall likewise be entitled to all provisions of Section 14, 15, 16, 17, 18, 22A, and 22B, of this Article, as applicable, and the

longevity benefit shall be the same as provided for positions in Schedule M of the Classification and Compensation Plan.

Section 22. Other Regulations

- A. Lunch Period** The lunch period shall not exceed one hour.
- B. Record of Payments** All payments made for any absence, regardless of nature, will be so noted on the payroll and employee's attendance record. The department head shall be responsible for the accuracy of such record.
- C. No Conflict** Nothing in this By-Law shall be construed to conflict with the General Laws of the Commonwealth of Massachusetts.

ARTICLE 7

FINANCE COMMITTEE

Section 1. Composition

The members of the Finance Committee shall be appointed for terms of three years each. In any year when the term of any member expires, their successor shall be appointed for a term of three years. The said terms shall expire on the seventh day after the final adjournment of the annual town meeting but the members shall respectively continue to act as such until their successors are appointed.

Section 2. Absences

If any member of the Finance Committee is absent from three or more successive meetings, the other members of the committee may by the affirmative vote of each of a majority of its members request the Appointing Committee to remove such absenting member from their membership and the Appointing Committee may thereafter by a majority vote so remove such member and may notify them by mail of such removal.

The Appointing Committee shall then promptly fill the vacancy so created by appointing a successor for the remainder of the term for which such member was appointed.

Section 3. Eligibility

(ART. 5, STM – 11/30/88) (ART. 15, ATM – 04/29/92)

No person holding either elective or appointive town office other than Town Meeting membership and no town employee shall be eligible to serve on said committee. Provided however, that nothing herein shall prohibit a member of said committee from serving on another committee, board or commission when such service is required by a provision of the Bylaws or a vote of the Town Meeting.

Section 4. Duties

The committee shall consider all articles contained in any warrant except articles on zoning upon which the zoning by-law requires a report to be made to the Town by the Planning Board and those articles which do not require or request an appropriation of money, which articles shall be considered and a report made to the Town by the Select Board.

Said committee shall make recommendations, and shall report in print, if possible at or prior to each town meeting, but the omission of said committee so to consider, recommend and/or report shall not affect the validity of any vote or other action at any town meeting. The committee shall also make such general suggestions, criticisms and recommendations as it may deem expedient.

Nothing contained in this section shall preclude the Committee from considering, if it sees fit, articles which do not require or request an appropriation of money.

Section 5. Transfer of Funds

At the request of the Town Manager, Select Board, Board of Assessors, Treasurer, Comptroller, Clerk, or Retirement Board, the Finance Committee may by majority vote authorize a transfer of funds within a department budget between personal services, expenses, and capital outlay, notwithstanding the fact that a sum certain for said line items has previously been voted by Town Meeting, provided, however, that no such transfer shall be made to fund salary increases.

The committee shall have authority to vote transfers from the reserve fund as provided in Section 6 of Chapter 40 of the General Laws as amended.

Section 6. Audit Power

The committee shall have power and authority to examine the books and records of any town board or official, so far as the same is permitted by law, and all boards and officers shall submit to the committee, at the same time they are submitted to the Town Accountant, copies of their estimates for the ensuing year in budget form.

Section 7. Executive Secretary

The Finance Committee shall annually appoint a person who is not one of its members as executive secretary for the term of one year. The said Committee shall define the secretary's duties and fix the secretary's salary.

Section 8. Officers and Vacancies

Except as herein otherwise provided, the committee shall have power to elect its own officers. All vacancies in the membership of said committee shall be filled by the Appointing Committee.¹

ARTICLE 8
DISPOSAL OF TOWN PROPERTY
(ART. 18, ATM - 04/26/17)

A. Disposal of Material and Personal Property

No official or employee of the Town shall dispose of any material or other personal property belonging to the Town without permission being granted by a vote of the Town, subject to the following exception.

Any department, board, or committee of the Town may sell or otherwise dispose of scrap material or other discarded personal property belonging to the Town which is within the jurisdiction or control of such department, board, or committee, provided such department, board, or committee in its sound discretion first determines that a just and reasonable value for such property does not exceed \$500.

¹ See Town Manager Act, Section 33

B. Disposal of Real Property and Related Interests

In addition to other applicable state law requirements, the Town must determine the value of any recorded real property interest, including leases, mortgages, preservation restrictions, easements, and/or profits a prendre before disposing of same whether by sale, abandonment, or other permanent disposal, by using procedures customarily accepted as valid by the appraising profession. The Town may hire an appraiser, but it is not required to do so.

The provisions of this subsection shall be construed to apply even to those recorded property interests or instruments which do not require appraisal under state law.

ARTICLE 9 COMMUNITY ANTENNA TELEVISION

Section 1. Definitions

The following terms shall, for the purpose of this section, have the following meanings, unless the context otherwise requires:

"Person" shall include a natural person and every form of organization incorporated or unincorporated, except the Town of Arlington.

"Community antenna television system" or "CATV system" a facility which receives and amplifies the signals broadcast by one or more television stations and redistributes such signals to subscribing members of the public for a fixed or periodic fee, employing wires or cables passing along, over, under, across and upon streets, ways, lanes, alleys, parkways, bridges, highways and other public places, including property over which the town has an easement or right-of-way; it includes facilities which in addition to providing such reception, amplification and redistribution, are also used to originate and distribute program material and transmit any other intelligence by electronic impulses to such subscribers.

"Permit" shall mean any license, franchise, or other form of permission granted, for the establishment of CATV system.

Section 2. Town Authorized to Establish CATV System

Notwithstanding the foregoing, the town, acting by and through the Select Board, under the authority of Section 6 or Article LXXXIX of the Amendments to the Constitution of the Commonwealth, is hereby authorized to establish and maintain a CATV system. The Select Board may contract for or employ such persons as it deems necessary to establish, manage, operate or maintain the whole or any part of a CATV system, and to compensate persons for any services rendered or property delivered, provided that such compensation remains subject to appropriation by the town meeting and any borrowing remains subject to the laws relating thereto; and further provided that ownership of the assets shall not be alienated.

Section 3. Purpose and Severability

The purpose of this section is to preserve and promote the peace, good order, safety, health, convenience and general welfare of the town. If any part thereof is held invalid, such invalidation shall not affect any other part.

ARTICLE 10 CIVIL DEFENSE

Section 1. Department of Civil Defense

There is hereby established a department of civil defense (hereinafter called the "department"). It shall be the function of the department to have charge of civil defense as defined in Section 1, Chapter 639, Acts of 1950 and to perform civil defense functions as authorized or directed by said chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the governor under said Chapter 639.

Section 2. Director of Civil Defense

The department shall be under the direction of a director of civil defense (hereinafter called the 'director') who shall be appointed as prescribed by law. The director shall have direct responsibility for the organization, administration and operation of the department, subject to the direction and control of the appointing authority, and shall receive such salary as may be

fixed from time to time by the appointing authority. The director, may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950.

The director shall also have authority to appoint district coordinators and may accept and may receive, on behalf of the town, services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

Section 3. Civil Defense Advisory Council

There is hereby established a civil defense advisory council (hereinafter called the "council"). Said council shall serve without pay and shall consist of the director of civil defense, such other department heads and such other persons as the authority appointing said director may deem necessary, Such member of said council as said appointing authority shall designate shall serve as chair of said council. Said council shall serve subject to the direction and control of the appointing authority and shall advise said appointing authority and the director on matters pertaining to civil defense.

Section 4. Police Aid to other Cities and Towns in Event of Riots or other Violence Therein

The police department is hereby authorized to go to aid another city or town at the request of said city or town in the suppression of riots or other forms of violence therein.

Section 5. Termination of By-Law

This By-Law shall remain in force during the effective period of Chapter 639, Acts of 1950 and any act in amendment or continuation or substitution therefor, or until repealed by a two-thirds vote of a representative town meeting duly called for such purpose.

Section 6. Definition

All references to Chapter 639, Acts of 1950, as now in force, shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

ARTICLE 11
PARKING BENEFIT DISTRICT EXPENDITURES
(ART. 13, ATM – 04/30/12)²
(ART. 4, STM – 02/12/18)

A. Purpose and Definitions

The Purpose of this Article is to detail the Town of Arlington's process for reviewing and endorsing expenditure requests for the operation of, and improvements to Parking Benefit Districts in Arlington as permitted by c. 40 §§ 22A and 22A ½.

For the purposes of this Article, "Parking Benefit Districts" shall be defined as set forth in G.L. c. 40 §22A ½.

The Parking Implementation and Governance Committee is a committee tasked with evaluating and making recommendations for parking and related administration and improvements in Arlington, including members of the Arlington business community.

B. Process for Review and Endorsement of Expenditures

1. Revenue Estimates. On or before February 1st of the current fiscal year, the Parking Implementation and Governance Committee, or other designee of the Select Board, shall provide a detailed estimate of the projected revenues and expenditures of each Parking Benefit District in Arlington for the ensuing fiscal year.
2. Operating Expenditures. All proposed operating expenditures for the ensuing fiscal year in each Parking Benefit District submitted by the Parking Implementation and Governance Committee or any other entity, shall be reviewed for report and recommended action or actions by the Finance Committee prior to submission for the endorsement of Town Meeting.

² The previous title and text of this article, "Program Budget," was deleted by 2012 Annual Town Meeting.

3. Capital Expenditures. All proposed capital expenditures for the ensuing fiscal year in each Parking Benefit District submitted by the Parking Implementation and Governance Committee or any other entity, shall be reviewed for report and recommended action or actions by the Capital Planning Committee prior to submission for the endorsement of Town Meeting.
4. Town Meeting Endorsement. Town Meeting shall have the opportunity for a non-binding vote to endorse the recommended action or actions of the Finance and/or Capital Planning Committees respectively relative to the expenditure of any Parking Benefits District revenue proposed by the Parking Implementation and Governance Committee, or any other entity.

C. Construction and Severability

At all times this by-law shall be interpreted in a manner consistent with G.L. c. 40 §§ 22A and 22A ½. Should any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

ARTICLE 12

CONSOLIDATED INFORMATION TECHNOLOGY DEPARTMENT

(ART 18 – ATM, 05/14/07)

Section 1. Consolidated Information Technology Department

The Town, pursuant to Section 23D of Chapter 41 of the General Laws hereby establishes a consolidated town-wide Information Systems and Technology Department, which will be under the general supervision of the Town Manager. The Director of the Information Systems and Technology shall be appointed by the Town Manager.

The Director of Information Systems and Technology shall see to the day-to-day responsibilities of the department.

Section 2. Functions

The functions of the Information Systems and Technology Department shall be considered as falling into three broad categories:

- (i) Town and School hardware, networking, telecommunications and software infrastructure support;
- (ii) Town and School Administrative Applications, Implementation, Training and Support; and
- (iii) School Academic Applications Implementation, Training and Support. The first two categories shall be under the management of the Town Manager, and the third category shall be under the management of the Superintendent of Schools.

**ARTICLE 13
INDEMNIFICATION OF TOWN OFFICIALS FOR LEGAL
EXPENSES**

Section 1. Indemnification of Officials

(ART. 3, STM – 01/25/88)

The Town shall indemnify all Town Officials from legal expenses incurred in the defense of any claim, action, award, compromise, settlement, or judgement in an amount not to exceed \$100,000. if such official at the time of the act or omission to act that gave rise to such claim, action, award, compromise, settlement or judgement, was acting within the scope of their official duties or employment; provided that such official reasonably cooperates with the Town in the negotiation, investigation and defense of any claim or action brought as a result of such act or omission. No such official shall be indemnified under this section for violation of any civil rights, whether brought pursuant to any federal or state enactment, if they acted in a grossly negligent, willful, malicious, or intentional manner.

Section 2. Repayment of Expenses

It shall not be necessary for temporary indemnification for legal expenses that a final judicial adjudication be had that characterizes the nature of the conduct of the official sued. However, in the event that a court of final jurisdiction determines that said official's conduct constituted a violation of the civil rights of an individual and moreover that said violation was

intentional, grossly negligent, willful, or malicious, said official shall be obligated to repay any legal expenses hereunder.

Any official indemnified hereunder shall agree in writing to such repayment before money is made available to them hereunder.

Section 3. Legal Representation

The defense and settlement of any such claim shall be undertaken or negotiated by the Town Counsel or the Town Counsel's designee, in which case no legal expense indemnification will be necessary. However, in the event that the Town Counsel determines that a conflict of interest has arisen or is likely to arise by the mutual defense of the Town and the official(s), the official(s) shall not be defended by the Town Counsel or the Town Counsel's designee but may seek outside counsel for such defense.

The expense born by the official for outside counsel shall be borne by the Town unless the Select Board, after consultation with the Town Counsel, shall deem said legal fees to be unreasonable in amount, in which event said legal fees shall be subject to the fee arbitration procedure of the Massachusetts Bar Association.

Section 4. Other Statutes

Nothing in the section shall be deemed to limit the effect of any indemnification statute applicable to the Town or its officials at the time of any such act or omission. This section shall apply to any settlement or judgement made in compliance with this section on or after the date this article becomes effective.

Section 5. Legal Defense Fund

To effectuate the purpose of this By-law, the Town shall consider for appropriation at all subsequent Annual Town Meetings, and may at any Special Town Meeting, occurring after the effective date of this By-law, a fund to be named the Legal Defense Fund, and which shall be carried on the books of the Town as such. Any appropriation of any Town Meeting into this fund shall be carried forward on the books of the Town notwithstanding the expiration of any fiscal year. Expenditures from this fund shall be authorized by written approval of same by the Town Counsel.

Section 6. Definition

For purposes of this By-law Town Official shall mean any Town employee and elected and appointed officials.

ARTICLE 14
RECYCLING PROGRAM
(ART. 69, ATM –04/30/90)

Section 1. Curbside Collection
(ART. 28, ATM – 05/01/95)

The Town shall establish a mandatory curbside collection program for recycling. Those items which are to be collected by the Town or its designee must first be segregated at curbside by the owner of such items.

The Town Manager shall from time to time establish a list of items for which segregation and collection will be made for recycling purposes.

Section 2. Yard Waste
(ART. 35, ATM – 05/01/91)

Subject to the time periods hereinafter provided no leaves or yard waste shall be picked up by the Town unless they are secured in a biodegradable paper bag and/or container approved for such use by the Director of Public Works. Pick up of leaves and yard waste shall be limited to a time period in the Fall and Spring respectively as designated by the Director. Leaf pickup will commence in the Fall of 1991, and yard waste in the Spring of 1993.

Section 3. Recycling and Source Reduction in Town Facilities
(ART. 22, ATM – 04/28/99)

The Town shall continually work to establish programs for the recycling of a variety of materials in Town buildings, schools and other facilities. In addition, all Arlington departments, including schools, shall take efforts to reduce the volume and toxicity of waste whenever practical.

Section 4. Purchase of Recycled Products
(ART. 22, ATM – 04/28/00)

The Town of Arlington and the School Department, in pursuing their commitment to minimizing the Town's environmental impact, shall purchase items consistent with applicable law that are environmentally preferable and made of recycled products whenever such products meet its

quality and performance requirements, are available at reasonable prices and terms, and when adequate competition exists.

Examples of such recycled products may include, but are not limited to: office and janitorial paper products, office supplies, construction materials, paint, furnishings, refined oil, and retread tires.

A. Recycled paper purchases (“Buy Recycled” Program)

All Town Departments shall purchase copy paper and stationery which contain post-consumer recycled content that meets federal and state standards. The Town shall also make every effort to purchase other paper products that contain recycled content in accord with federal standards.

The Town shall ensure that all paper product materials procured by Town departments are printed on recycled paper which meets federal or state standards for post-consumer recycled content whenever practical. Town departments shall encourage all printing contractors to place the recycling symbol in all printed documents.

B. Tracking of Results

The Coordinator shall report annually to the Select Board and the Arlington Recycling Committee as to the Town’s purchases of recycled products and the on-going recycling programs.

Section 5. Recycling Coordinator
(ART. 22, ATM – 04/28/99)

The Town Manager shall designate a Recycling Coordinator for the Town. The Coordinator shall be responsible for implementation of the Town’s curbside recyclables collection program, recycling programs in Town buildings, coordination of the “Buy Recycled” program in Arlington, and the continuing education of Town employees concerning recycling and source reduction practices. The Coordinator shall notify all Town Departments at least annually of the Town’s “Buy Recycled” policy.

Section 6. Discontinuation

Any or all of these programs may be discontinued if they are not cost effective. In making this determination for any program, the Town Manager is required to consider whether the costs of the program, reduced by the

revenue derived from the sale of recycled material, if applicable, exceeds the costs of the pre-existing system. In the event that the Manager so finds that the program is not cost effective, the Town Manager shall so recommend to the Select Board in writing. Upon approval of said recommendation by the Select Board and with advice from the Recycling Committee, the program shall be discontinued. The Select Board shall report on the progress of this recycling program at the annual Town Meeting.

Section 7. Additional Regulations

(ART. 35, ATM –05/01/91) (ART. 20, ATM – 04/30/07)

The Board of Public Works may enact rules and regulations concerning recycling consistent with the provisions hereof. The Rules and Regulations of the Board of Public Works are hereby incorporated by reference. Any violations thereof will be subject to the Noncriminal Disposition Procedure. The enforcing person shall be any police officer of the Town and any individual designated as such by the Director of Public Works. Violations of the Rules and Regulations shall be punished by a fine of \$20.00 each and every violation to be considered a separate offense.

ARTICLE 15
CONSIDERATION OF VISION 2020 GOALS³
(ART. 19, ATM – 05/05/93)

All Town officials including, but not limited to the Select Board, Town Manager, School Committee, and Superintendent of Schools shall consider the Goals of Vision 2020 as delineated in Article 19 of the 1993 Annual Town Meeting, or as same is subsequently amended by any future town meeting, in establishing their respective policies and in performing their various public functions.

ARTICLE 16
CONSTRUCTION PROJECTS
(ART. 15, ATM –04/22/96) (ART. 17, ATM – 04/28/99)

Section 1. Women Work Force Participation

³ Vision 2020 is now known as “Envision Arlington,” by vote of the 2018 Arlington Town Meeting.

Any Town board or official in charge of a construction or reconstruction project is required to include in the contract documents the following:

- A.** The contractor shall maintain as a goal on this project a not less than five percent ratio of women work force to total project hours in both the general contract and each individual filed sub-bid contract, if applicable. The preceding sentence shall be included in all construction contracts whether entered into by the Town pursuant to the provisions of M.G.L. c.149 or M.G.L. c.30, sec. 39M et. seq. provided however, that if entered into under Chapter 30 same shall not be deemed to apply where the projected bid price as determined by the Director of Public Works is not likely to exceed \$200,000.
- B.** A Labor Scheduling Table which will be used as a tool for achieving a range of women work force participation for the entire project in both the general contract and each individual filed sub-bid contract.

Section 2. Equal Opportunity Goal Compliance

(ART. 16, ATM – 04/24/96) (ART. 17, ATM – 04/28/99)

Any Town board or official in charge of a construction or reconstruction project is required to include in the contract documents the following:

- A.** Before starting work, the contractors (includes the general contractor, for itself and its subcontractors, as well as all filed sub-bid contractors, if applicable) will submit plans for achievement of the equal opportunity goals of the contract. All contractors will be required to make a good faith effort to achieve these goals. The plan will indicate if the contractors expect to achieve the requirements during the first quarter. If there are reasons why the contractors do not expect to achieve the requirements during the first quarter year of the contract construction phase, then the contractors shall provide a plan calculated to address, to the extent reasonably possible, these obstacles to a good faith effort to achieve such goals.
- B.** Not more than ten days following the end of each work quarter, the contractors will report on the achievement of the goals, detailing the good faith efforts that have been made and will

continue to be made and any other appropriate efforts not yet undertaken.

- C. All reports will be signed by an officer or principal of the company who has the authority to contractually obligate the company.

Section 3. Recruitment and Training

(ART. 53, ATM – 05/19/97)

Any board, officer, committee, or other agency of the Town, which acts on behalf of the Town in making or supervising any contract, in an amount exceeding the sum of 100,000 for the purchase of goods or services or for the construction, renovation, or repair of buildings or other improvement of real estate, may make arrangements with contractors and other interested agencies for special programs of recruitment and training in connection with the work to be performed on such contract, with the objective of promoting equal employment opportunity for members of minority groups protected by the fair employment laws of the Commonwealth and the United States. Any board, officer, committee or other Town agency may expend Town funds in carrying them out provided that appropriations specifically designed for such purposes have been voted by the Town Meeting.

Section 4. Leed

(ART. 32, ATM – 05/14/03)

It is the intent of the Town to reduce the life-cycle operating costs and increase the environmental efficiency of Town buildings, by adopting the goal that all construction of new Town buildings and major renovations and additions to existing Town buildings meet or exceed a Silver Certification based on the most current criteria of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System promulgated by the United States Green Building Council, or comparable scoring system. The Town shall include a minimum of LEED Silver Certification, or equivalent level in comparable building scoring system, as a required element in requests for proposal or bids it issues soliciting architectural design services for construction, major renovation, and addition to its buildings, unless the Permanent Town Building Committee makes the finding that such certification is not in keeping with the use or purpose of the building or is otherwise inappropriate. No building project shall be deemed complete until LEED Silver Certification or greater, or equivalent, has been confirmed, unless the PTBC makes the finding that such certification is not

in keeping with the use or purpose of the building or is otherwise inappropriate.

ARTICLE 17
FINANCIAL INFORMATION
(ART. 18, ATM – 05/03/00; ART. 9, ATM – 04/23/18)

DELETED

ARTICLE 18
SUBMISSION OF MINUTES
(ART. 32, ATM – 05/09/01)

All boards, committees and commissions, however established, shall submit copies of approved minutes of their meetings for inclusion in the Minutes file at the Robbins Library, within forty-five days of each meeting of such body. In addition, all boards, committees and commissions listed on the Town's web site on the date of enactment of this bylaw, and all subsequent additions to said list, shall also submit approved minutes to the Town's webmaster within the same forty-five day period. All boards, committees and commissions which do not meet between June and September, may file approved minutes of their June meetings within fifteen days of their first meetings in September.

That the Town Manager shall provide copies of approved minutes of the North East Solid Waste Committee to the Town's web site and the Minutes file at the Robbins Library within forty-five days of said committee's meetings.

ARTICLE 19
FUEL EFFICIENT VEHICLES
(ART. 22, ATM – 04/29/02)

When the Town purchases motor vehicles for its municipal operations, each vehicle purchased must be the most fuel-efficient model available that will fulfill the intended municipal function; provided that the vehicle also meets other normal procurements criteria, including price and reliability. Nothing contained herein shall be construed to derogate from the authority and discretion of the procurement officer of the Town acting pursuant to the

Uniform Procurement Law, Chapter 30B of the General Laws.

ARTICLE 20
NOTICE TO ABUTTERS
(ART. 27, ATM – 05/12/08)

It shall be the responsibility of the Town Manager to notify all abutters and within the Manager's discretion other residents and businesses in the neighborhood of any planned construction of Town owned buildings when such construction is likely to have a detrimental impact as to noise, traffic or other effects of such construction or reconstruction. The purpose of such notification will be to forewarn said residents and business in order that they may participate with Town officials on minimizing such detrimental impacts.

ARTICLE 21
MUNICIPAL CHARGES LIENS
(ART. 26, ATM – 05/06/2009), (ART. 23, ATM – 05/27/11)

In accordance with Chapter 40, Section 58, of the General Laws, Municipal Charges Liens may be placed on real property located within the Town of Arlington related to the following Town charges:

- a) parking-violation charges
- b) motor-vehicle excise taxes
- c) rental charges for town or school property and facilities
- d) public-safety details
- e) license, permit, and inspection fees
- f) charges assessed for snow and ice removal under Title III, Article 1, Sections 24, 25, and 26 of these Bylaws

- g) charges assessed for enforcement of Junk Car remediation under Title V, Article 2, Section 2 of these Bylaws;
- h) charges assessed for enforcement of Minimum Standards of Fitness for Human Habitation under the State Sanitation Code;
- i) charges assessed for removal of a “public health nuisance” defined by G.L. c. 111 sec. 125;

upon non-payment of any such charge by its due date and upon request to the Town Treasurer by the municipal board or officer empowered to issue the license, permit, or certificate or to render the service or to perform the work for which the charge is assessed.

ARTICLE 22
DEPARTMENTAL REVOLVING FUNDS
(ART. 30, ATM --- 05/08/2017)

Section 1. Purpose.

This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

Section 2. Expenditure Limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Town Manager and Finance Committee.

Section 3. Interest

Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

Section 4. Procedures and Reports.

Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town

funds shall apply to the use of a revolving fund established and authorized by this by-law.

The Town Comptroller shall include a statement on the collections credited to each fund, the encumbrances and expenditures charge to the fund and the balance available for expenditure in the regular report the Town Comptroller provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements and/or Reports	Fiscal Years
Maintenance of Public Ways	DPW/Town Manager	Receipts derived from street excavations as authorized by Section 18 of Article 9 of the Bylaws.	To defray the cost of repairs, rehabilitation, and reconstruction of public ways and sidewalks.		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Private Ways	DPW/Town Manager	Fees charged to the private way abutters as in Section 5 thereof.	To defray the costs of repairs to private ways undertaken pursuant to Section 20 of the Bylaws		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Fox Library Community Center Rentals	Library/Town Manager	Rental of the Fox Library and the Community Center located there.	To defray the cost of various expenses related to non-town government organizations who utilize the Fox Library and the Community Center located there.	Included, but not limited to maintenance and custodial services.	Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Robbins House Rentals	Health and Human Services/Town Manager	Rental of the Robbins House	To defer the cost of the upkeep of the Robbins House, its appurtenant grounds, and other charges related to the rental of the property.		All revenues received above annual spending authorization to be deposited into the Town's General Fund.	FY2019 and subsequent years

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements and/or Reports	Fiscal Years
Conservation Commission Fees	Conservation Commission	Fees charged to applicants who file "Notices of Intent or Request for Determination of Applicability". This fee is called the "consultant fee".	Reasonable costs and expenses borne by the Commission for specific expert engineering and other consulting services deemed necessary by the Commission to come to a final decision on the application.	Specific consultant may include, but are not limited to, performing or verifying the accuracy of a resource areas survey and delineation, analysis of resource area functions -- including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.	The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee or any act related thereto may appeal according to the provisions of Mass. General Laws.	FY2019 and subsequent years
Uncle Sam Fees	Town Manager	Grants and Fees received by the Uncle Sam Committee	Enhancement of the visibility of our Town as the birthplace of Sam Wilson, our national symbol.			FY2019 and subsequent years
Life Support Services	Fire	Receipts associated with providing emergency medical services.	Expenses associated with providing emergency medical services.			FY2019 and subsequent years
Board of Health Fees	Health and Human Services	Fees from permits, re inspections, seminars, and fines of the Board of Health.	Expenses associated with funding programs of the Board of Health.			FY2019 and subsequent years
Field User Fees	Town Manager	Fees from users of Town owned playing fields, including grants and gifts.	Maintenance and reconstruction of the playing fields.	Such funds to be expended by the Town Manager.		FY2019 and subsequent years
Robbins Library Rentals	Library	Rentals of certain meeting rooms in the Robbins Memorial Library.	Upkeep of said meeting rooms in the Robbins Memorial Library.			FY2019 and subsequent years

By-Laws of the Town of Arlington**Title II**

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements and/or Reports	Fiscal Years
Town Hall Rentals	Health and Human Services	Rentals of the Robbins Memorial Town Hall Auditorium.	Upkeep of said Robbins Memorial Town Hall Auditorium			FY2019 and subsequent years
Recycling Fees	DPW	Fees for a pick up of so-called white goods, computers, and televisions.	To defray the cost of pick up and to establish a program to educate and facilitate the public's understanding of the Town's recycling Bylaw, including its enforcement provisions.			FY2019 and subsequent years
Library Vending Fees	Library	Fees for per-page use of printers and copy machines in the Robbins Library and the Fox Library by members of the public.	To obtain supplies for copy machines, such as paper, toner, and cartridges and, if sufficient revenues are received, to offset the costs of leasing those machines.			FY2019 and subsequent years
Cemetery Chapel Rentals	DPW	Rental fees associated with the rental of the Cemetery Chapel.	To pay for costs associated with the rental and care and maintenance of the Chapel.			FY2019 and subsequent years
Council on Aging Program Fees	Health and Human Services	Fees for programs of the Council on Aging.	To pay for costs of administering COA programs.			FY2019 and subsequent years

TITLE II

COMMITTEES AND COMMISSIONS

ARTICLE 1

**THE JOHN J. BILAFER ARLINGTON CITIZENS' SCHOLARSHIP
FUND –**

DOLLARS FOR SCHOLARS

(ART. 27, ATM – 05/01/89) (ART. 27, STM – 05/15/95)

(ART. 58, ATM – 05/19/97)

(ART. 32, ATM – 05/02/07)

Section 1. Name

The John J. Bilafer Arlington Citizens' Scholarship Fund, formerly known as the Town of Arlington Scholarship Fund, and herein referred to as the Chapter, a local government tax check-off "Dollars For Scholars" program, is an affiliate of Citizens' Scholarship Foundation of America, Inc. hereinafter referred to as CSFA.

Section 2. Purpose

The purpose of the John J Bilafer Arlington Citizens' Scholarship Fund is to establish and maintain a perpetual trust fund in order to expand the educational opportunities for residents of the Town who have been accepted to pursue education beyond the secondary school level by promoting the scholarship program, maintaining an operational structure, raising funds for student aid distribution and conducting an objective selection process for distributing awards on a fair, equitable and non-discriminatory basis. The Chapter shall operate in accordance with the Bylaws, legal status and procedures of CSFA which are consistent with Chapter 405 of the Acts of 1983 as amended, the General Laws of Massachusetts and the Bylaws of the Town.

Section 3. Powers

The Town is empowered to promote and encourage contributions to the scholarship fund and place a check-off box on the tax and other municipal bills. The Chapter can also raise and receive money and other property by gift, devise, subscription, dues and other legal means including the establishment of individual scholarship funds in a name specified by the Donor.

The Collector of Taxes of the Town shall, at least as often as monthly,

account and turn over to the Town Treasurer monies which have been checked off by the taxpayers as a contribution to the scholarship fund by increasing the amount otherwise due on the tax or other municipal bills.

All monies collected as a result of the voluntary check-off shall be transferred to the Principal of the fund by the Town Treasurer. The Town Treasurer is the custodian of the scholarship fund and shall deposit, disburse and invest the funds as empowered by law.

The Town Treasurer/Tax Collector shall give bond annually for the faithful performance of said duties in a form approved, and in an amount determined by the Commissioner of Revenue; the said Treasurer shall make and submit to CSFA such reports as CSFA may prescribe relative to Chapter finances. The John J. Bilafer Arlington Citizens' Scholarship Fund shall be audited by an outside auditing firm in conjunction with the audit of the books and records of the Town.

The said scholarship fund including the individual scholarship funds, shall be under the jurisdiction of the Board of Commissioners of trust funds and said Commissioners shall, at least as often as once each year, pay over not less than five percent and not more than seven percent of the market value of said funds as of December 31st of the prior calendar year, said percent to be determined by the Town Treasurer and the Commissioners; and the amount determined to be applied to student aid under the direction and control of the scholarship committee. The Chapter shall be operated solely for charitable purposes. No committee member, officer or employee of the Town shall be entitled to receive compensation from the scholarship fund for services to the Chapter. Annual recertification by CSFA is required for the Chapter Agreement and Charter to remain in effect. In the event that the Chapter Agreement and Charter between the Chapter and CSFA is terminated the John J. Bilafer Arlington Citizens' Scholarship Fund shall continue to operate in accordance with Chapter 405 of the Acts of 1983 as amended, the General Laws of Massachusetts and the Bylaws of the Town.

Section 4. Scholarship Committee and Officers ***(ART. 13, ATM – 05/09/94)***

The following are permanent members of the scholarship committee as determined by Chapter 405 of the Acts of 1983 and amended by Chapter 256 of the Acts of 1993: the Principal of Arlington High School; the Principal of Arlington Catholic High School; the Superintendent-Director of Minuteman Regional Vocational School District and the Treasurer of the Town. A

registered voter of the Town who is interested in education shall be appointed to a three year term as the fifth member of the committee by the Town Moderator.

The committee may elect from among its members a Chairperson, Vice Chairperson, Secretary and such other officers as it may designate for election. The scholarship committee shall make, implement and supervise the policies of the Chapter, and shall elect all officers and fill vacancies as empowered by law. The Chairperson shall be the chief executive officer of the Chapter, shall preside at all meetings of the scholarship committee and shall implement Chapter policy as established by the scholarship committee.

The Secretary shall record and keep minutes of the meetings and shall prepare and transmit to CSFA such reports as may be required by CSFA pursuant to these Bylaws and to annual Chapter recertifications.

The Vice Chairperson and such other officers as the scholarship committee may from time to time designate and elect shall have such powers and shall perform such duties as the scholarship committee may determine.

Section 5. Standing Committees

There shall be an Awards Committee, chaired by a member of the Scholarship Committee, which shall be comprised of not fewer than three members, who need not be Scholarship Committee members.

No person shall attend or take part in any meetings of the Awards Committee at which applications for student aid are to be discussed so long as there is pending before that committee an application for student aid from any blood relation of such person or spouse.

Each scholarship applicant shall be a legal resident of the Town and shall complete an application and submit financial and other supporting data which considers character, scholastic record and involvement in community work as well as extra-curricular school activities.

The application process is not considered complete until a financial assistance questionnaire is submitted by the person(s) obligated to pay applicant's educational costs. All scholarship information shall be received and processed with the Office of the Town Treasurer/Collector of Taxes, assigned a number and considered thereafter without reference to name until such time as the Awards Committee has completed its evaluation of each application. All completed applications shall be considered for student aid at a meeting of the Awards Committee called by the Chairperson. The

award of student aid is based on merit in accordance with the prescribed evaluation criteria. The Awards Committee shall consider financial need in determining the amount of each award. Whenever possible, there shall be at least one scholarship recipient from each of the segments of the student population represented by the members of the Scholarship Committee. In making awards the Awards Committee shall apply such further rules and standards not inconsistent with the purposes of this Chapter as prescribed in these Bylaws and Charter between this Chapter and CSFA and, subject to such rules and approval of the Scholarship Committee, it shall implement and oversee all policy relative to awards, and shall transmit to CSFA such reports as CSFA may provide relative to award procedures. The Scholarship Committee may from time to time seek to amend these Bylaws by adding other Standing Committees it may determine necessary to the Chapter's operation.

Section 6. Ceremonies and Meetings

- A. Scholarship Award Ceremony** The Scholarship Committee shall conduct an annual scholarship award ceremony for the recipients of student aid, their families and friends in the spring at such time and place as shall be fixed by the Chairperson.

Notice of the time, date and place of this ceremony shall be published in the local press and the public invited to attend.

- B. Meetings** Regular periodic meetings of the Scholarship Committee may be held from time to time pursuant to vote of the Scholarship Committee. Special meetings of the Scholarship Committee may be held from time to time upon the call of the Chairperson or upon written application to the Secretary or Chairperson of not less than one-third in number of the committee members.

The Secretary or Chairperson shall make public announcement of the meetings and shall mail written notice of all the meetings of the Scholarship Committee to each member at least seven days prior to the meeting unless the time, date and place of such meeting has been previously fixed by vote of the Scholarship Committee, or unless waiver of the notice of the meeting is signed by every committee member and filed with the Secretary or the Chairperson. One-third of the Scholarship Committee members then in office shall constitute a quorum in the case of a meeting of the Scholarship Committee; and a majority of those present at a meeting, and entitled to vote, shall decide any matter properly brought before the meeting.

Section 7. Fiscal Year

(ART. 23, ATM – 05/04/98)

The fiscal year of the Chapter shall be the twelve month period ending December 31 in each year.

Section 8. Amendment

The Scholarship Committee may, from time to time bring before an Annual or Special Town Meeting proposed amendments to these Bylaws. Prior to insertion in the Warrant for the Annual or Special Town Meeting, proposed amendments to these Bylaws shall be voted upon by the Scholarship Committee at a scheduled or special meeting called for the purpose of acting upon a proposed amendment. This amendment and any subsequent amendment to this Article of the Town's Bylaws shall become effective upon the certification of the vote by the Town Clerk. Once certified this Article of the Town's Bylaws become the governing document of the John J. Bilafer Arlington Citizens' Scholarship Fund and shall be sent to CSFA for approval and placed on file in the Office of the Town Treasurer/Collector of Taxes in accordance with the Chapter Agreement entered into between the Chapter and CSFA.

ARTICLE 2

COUNCIL ON AGING

(ART. 18, ATM –04/27/92)

There shall be a Council on Aging consisting of not less than three nor more than nine members who shall be registered voters of the Town and who shall be appointed by the Town Manager, with the approval of the Select Board, for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in co-ordination with programs of the Commission on Aging established under Section 73 of Chapter 6 of the General Laws of Massachusetts.

ARTICLE 3

CAPITAL PLANNING PROGRAM

Section 1. Preparation of Capital Plan A long-range capital planning program to serve as a guideline for capital improvements in the town shall be prepared each year in writing by the Town Manager subject to the approval of the Select Board. Development of the program shall take into account the annual written recommendation made by a Capital Planning Committee, established herein.

Section 2. Facilities and Equipment

The Capital Planning Committee shall be concerned with physical facilities such as land, buildings, or other structures, and pieces of equipment which require a relatively large investment and have a relatively long useful life.

Section 3. Five Year Plan

The Capital plan shall specify a detailed program of capital expenditures by fiscal year, over a period of five (5) years from the date set forth herein, and shall specify the methods of financing the proposed capital improvements. It shall summarize in more general terms the major improvements anticipated during the five-year period.

Guidelines for the planning process, defining which constitutes a capital improvement for purposes of this Article, specifying minimum cost and useful life of capital improvements to be considered in the program, the proportion of the total budget to be devoted to outstanding and current capital projects and any restrictions on methods of financing, shall be established on the recommendations of the Capital Planning Committee.

Section 4. Preparation of First Capital Plan

The first capital plan covering the fiscal years 1988-1992 inclusive shall be submitted by the Town Manager to the Select Board at the same time as the submission of the FY '88 annual budget and shall take effect, once approved, on July 1, 1987. The first capital plan and an updated five year plan shall be submitted each year as aforesaid, and included in the Warrant for consideration by the Annual Town Meeting.

Section 5. Capital Planning Committee

(ART. 24, ATM – 05/03/93; ART. 6, STM – 5/02/18)

There is hereby established a Capital Planning Committee consisting of the Town Manager, the Superintendent of Schools, the Town Treasurer, the Comptroller, or their designees, a member of the Finance Committee and at least four and up to six registered voters of the town appointed by the Moderator.

The Finance Committee member and Moderator appointed members shall serve for a three year terms, and members shall be eligible for reappointment. Following the effective date of this revised bylaw, and at the expiration of the terms of the Moderator-appointed members of the Committee serving as of the effective date, the Moderator shall appoint four members for one, two, or three-year terms for the specific purpose of staggering term expirations, with all subsequent appointments and reappointments for three years.

The Moderator may, at the joint request of the Town Manager and the Chair of the Capital Planning Committee, appoint up to two additional registered voters of the town. Additional members appointed pursuant to this section shall serve a single three-year term unless the Town Manager and Chair of the Capital Planning Committee jointly request reappointment.

A vacancy shall be filled for the unexpired term in the manner of the original appointment. The committee shall choose its own officers. It may spend such sums as shall be annually appropriated.

Section 6. No Preemption

Nothing in this Article shall be construed as preempting or diminishing the statutory prerogatives of the Town Manager or the Select Board.

ARTICLE 4 PUBLIC MEMORIAL COMMITTEE

Section 1. Public Memorial Committee Established

There is hereby established a Public Memorial Committee established for the purpose of memorializing and officially recognizing those persons whose exemplary accomplishments have reflected credit and honor upon the Town of Arlington, in accordance with certain criteria established and set forth in writing by the Committee. Said Committee shall be the official source for memorialization of persons by the Town.

Section 2. Membership

The Committee shall consist of five registered voters of the Town, to be appointed by the Select Board. Two shall be appointed for a term of three

years and two for a term of two years and one for a term of one year; all to serve until their respective successors are duly appointed and qualified.

Thereafter, the said appointing authority to appoint annually such number of members as there are terms expiring in such year to serve for a period of three years and until their respective successors shall be duly appointed and qualified; vacancies to be filled by appointment in the same manner as original appointments for the period of the unexpired term; said Committee to choose annually from its members such officers as it shall deem advisable. No member of the Committee shall be an employee of the Town of Arlington or the Commonwealth of Massachusetts.

Section 3. Veterans Subcommittee

The Committee shall be empowered to appoint a veterans' subcommittee composed of one representative from each of the veterans' organizations within the Town; said subcommittee to make recommendations of individuals to be considered by the Committee for memorialization as a result of exemplary military service.

Section 4. Other Subcommittees

The Committee shall also be empowered to appoint any other subcommittees which it deems necessary to assist in its work.

ARTICLE 5 TECHNOLOGY ADVISORY BOARD (ART. 47, ATM – 05/17/04)

Section 1. There shall be a Technology Advisory Board (hereinafter called the Board consisting of five (5) regular members and ten (10) ex-officio members.

Section 2. The regular members of the Board shall be appointed by the Select Board to staggered three-year terms. The regular members of the Board shall be residents of the Town who have knowledge and experience in telecommunications or information technology and/or are persons skilled in representing and advocating for residents. No employee of the Town shall be a regular member of the Board.

In the event that a vacancy occurs during a regular member's three-year term, the Appointing Authority shall, within ninety (90) days, appoint a successor to fill the balance of the unexpired term.

Section 3. The ex-officio members (or their designees) of the Board shall be:

- a. The Town Manager
- b. The Town Comptroller
- c. The Town Treasurer
- d. The Town Assessor
- e. The Town Clerk
- f. The Town Director of Data Processing
- g. The School Department Chief Financial Officer
- h. The School Department's Director of Technology
- i. A designee of the Cable Advisory Committee
- j. One designee jointly chosen by the Finance Committee and the Capital Planning Committee

The Board shall be chaired by the Town Manager or their designee.

Section 4. The role of the Board shall be (a) to advise the Town Manager on the manner of providing advice and/or technical Assistance to all Town Departments and the School Department in the formulation of technology plans and capital requests for information and communications systems and technologies specifically excluding educational software and systems; taking into consideration the goals of maximizing efficiency and cost effectiveness, removing unnecessary redundancy, and ensuring, to the extent possible, the compatibility of each request with other existing or proposed systems; (b) to advise the Town Manager and the Permanent Town Building Committee on the specifications to be considered for information and communications systems and technologies when constructing or renovating Town facilities; and, (c) to advise the Town Manager on matters relating to information technology policy, specifically with reference to issues of security, privacy, risk, future technology, legal or regulatory requirements and the provision of government services to the public through information technology; (d) to stimulate and support the development of appropriate technology initiatives and activities that would increase communication and information exchange within Town government entities, between Town government and its residents, and among residents themselves; (e) to report to the Select Board and the residents of Arlington as appropriate; and (f) to develop a technology plan which will be presented at Town Meeting annually.

ARTICLE 6
MAPPING COMMISSION
(ART. 22, ATM – 04/26/89)

Section 1. Establishment

Pursuant to the provisions of Section 8K of Chapter 40 of the General Laws there is hereby established in the Town a Mapping Commission which shall have all the duties and responsibilities imposed upon it by the provisions of said law as presently provided or hereinafter amended including the developing or coordinating the development of comprehensive maps of the Town so as to include, but not be limited to, parcel boundaries, location of utility lines, pipelines, and other structures, land use or items of geographic or geological interest.

Section 2. Application for Grants

The Commission is hereby authorized to apply for, receive, expend, represent and act on behalf of the Town in connection with federal grants, grant programs or reimbursements or private grants.

Section 3. Membership

The Commission shall consist of five members to be appointed by the Town Manager subject to the approval of the Select Board and shall serve for three year terms. Town employees shall be eligible for appointment to the Commission provided that their appointment shall cease upon the termination of said employment unless subsequently reappointed thereto.

The Town Manager shall consider for such appointment, but not be required to appoint the following officials of the Town: Director of Planning and Community Development, Assistant Director of Planning and Community Development, Town Engineer, Director of Public Works, and the Director of Assessments. Notwithstanding any of the forgoing said members once appointed shall serve until their respective successors are appointed and sworn. Said members shall serve without compensation.

ARTICLE 7
RECYCLING COMMITTEE
(ART. 72, ATM – 05/01/91) (ART. 27, ATM – 05/01/95)

Section 1. Membership

There shall be an Arlington Recycling Committee to be appointed by the Moderator. The committee shall consist of 9 persons. The committee shall consist of the Town Manager or their designee, and 8 members to be selected from the registered voters of the town.

The terms of appointment to the committee initially shall be 3 members appointed for 3 years, 3 members appointed for 2 years, and 3 members appointed for 1 year. All reappointments upon the expiration of the original term of appointment shall be for 3 years. Members shall serve until their successors are appointed and qualified.

Section 2. Purpose and Mission

The mission of the Recycling Committee is to advise the Town of opportunities to improve and expand recycling in the Town, to educate and advocate recycling, source reduction and reuse of waste to the citizens, offices and businesses of the Town, and to conduct research and programs to increase participation in recycling, composting, and proper disposal of waste.

Among other actions, the Recycling Committee should monitor the activity of the trash and recycling contractor and report any problem areas to the Director of Public Works, monitor collection of white paper in the Town for recycling, manage collections of household hazardous waste and inform residents of non-toxic alternatives to hazardous substances, and publicize the benefits of and opportunities for recycling and composting of waste in Arlington.

Section 3. Cost Effectiveness

In carrying out this mission, the Committee shall ensure that its recommendations are cost effective (or will become cost effective with sufficient participation), or are necessary to comply with state and federal regulations.

ARTICLE 8

ARLINGTON COMMISSION FOR ARTS AND CULTURE

(ART. 21, ATM – 05/17/93), (ART. 15, ATM – 04/30/14)

(ART. 13, ATM – 04/28/18)

Section 1. Establishment and Purpose of the Arlington Commission for Arts and Culture

- A. The body previously known as the Arlington Commission on Arts and Culture shall hereafter be known as “the Arlington Commission for Arts and Culture” and shall incorporate into its mission, duties and responsibilities, the duties and responsibilities of the Arlington Public Arts Committee of Vision 2020, the Arlington Cultural Council, and the Cultural District Managing Partnership, all of which are consolidated under one public body as outlined herein.
- B. The Commission shall promote and develop arts and culture programs, events, and resources, in order to create a sustainable and vibrant arts scene that engages and attracts artists, residents, businesses and visitors, as more specifically enumerated in Section “5” herein. The Commission shall be constituted of a “Core Committee” which shall serve as the coordinating and policy making body of the Commission, and up to five (5) action committees, which shall collaborate with the Core Committee to meet Commission’s duties and responsibilities. The Core Committee may also establish or disband action committees consistent with Section 3 of this bylaw, as well as any necessary ad hoc committees or advisory groups as needed under the umbrella of the Commission’s role and responsibilities.

Section 2. Core Committee Membership, Quorum, Administration & Organization

- A. The Core Committee shall consist of up to 13 voting members appointed pursuant to subsection (1) below and a liaison from the Dept. of Planning and Community Development. A quorum shall consist of a majority of the current voting Core Committee Members, and all actions shall be made pursuant to a majority vote of members in attendance. The Committee shall organize for the conduct of its affairs and shall elect its own officers.

1. Core Committee Appointments and Membership

- a. Core Committee members shall be sourced from, or appointed by the following:
 - i. One (1) at-large member appointed by the Arlington School Committee for an initial three-year term;
 - ii. One (1) member of the Cultural District Managing Partnership or their designee;
 - iii. One member of the Grants Committee set forth in section 3 below;
 - iv. One member of up to four (4) action committees set forth in section 3 below;
 - v. Three (3) at-large members recommended by the Town Manager and appointed by the Select Board, one of which shall serve an initial one-year term, one to serve an initial two-year term, and one of which to serve an initial three-year term;
 - vi. One (1) representative of the Town of Arlington business community for an initial one-year term appointed by the Town Manager;
 - vii. One (1) representative of the Town of Arlington's non-profit arts community for an initial two-year term appointed by the Town Manager;
 - viii. One (1) representative of the local community of working artists for an initial three-year term appointed by the Town Manager;
 - ix. The Director of Planning and Community Development, or their designee shall serve as a Department liaison to the Core Committee.
- b. All appointed Core Committee members shall be eligible for reappointment for a three-year term.

- c. Members may be removed by the appointing authority upon request of a majority of the Commission for three or more unexcused absences from Commission meetings in any calendar year.
- d. A vacancy of an appointed Core Committee seat shall be filled by the Select Board, School Committee, or Manager consistent with the foregoing.

Section 3. Grants Committee, Other Action Committees & Ad Hoc Committees

A. Grants Committee. The Arlington Cultural Council shall hereafter operate as the Grants Committee of the Arlington Commission for Arts and Culture.

- 1. The Grants Committee shall identify arts and culture grant opportunities for the Town and its communities, apply for such grants, and where appropriate, distribute such funds.
- 2. The Grants Committee shall also serve as the Local Cultural Council for the purposes of G.L. c. 10 § 58.
- 3. The Grants Committee shall be organized, appointed, and administered consistent with the requirements of c. 10 § 58.
- 4. 4. All members of the Arlington Cultural Council serving at the time of passage of this bylaw shall continue the remainder of their appointed terms.

B. Action Committees

The Core Committee may establish and/or disband up to four (4) additional action committees in the areas of operations listed below to be composed and organized as directed by the Core Committee, including the number of members and such members' terms of service:

- 1. Public Art

2. Programs and Festivals
3. Marketing and Evaluation
4. Resource Development

C. Core Committee Representation

As set forth in section 2, one member of the Grants Committee and one member of each other active action committee shall serve on the Core Committee.

- D.** The Core Committee may also establish or disband any necessary ad hoc committees and advisory groups as needed, but such groups shall not be represented on the Core Committee.

Section 5. Duties and Responsibilities

The Arlington Commission for Arts and Culture shall endeavor to:

- A. Advocate to promote greater awareness of, and support for, the many cultural opportunities in Arlington;
- B. Advise the town and its commissions, committees and boards with respect to all matters of a cultural or artistic nature;
- C. Make recommendations to the appropriate authorities on the use of public areas, building and meeting spaces for cultural or artistic performances or exhibits, and recommend guidelines for the conduct of such events;
- D. Implement and update the Arts and Culture Action Plan for the Town and annually report on its progress;
- E. Manage the Arlington Cultural District, a hub for arts, culture, dining and entertainment spanning a walkable stretch along Massachusetts Avenue from East Arlington's Milton Street to Jason Street in Arlington Center;

- F. Accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the Commission's purposes;
- G. Distribute funding from the Massachusetts Cultural Council, as well as other arts and culture grants;
- H. Recommend policies to the appropriate authorities for the collection, preservations and care of public or Town owned art work;
- I. Preserve and promote the cultural and artistic resources of the Town; curate the Town's public art;
- J. Work toward establishing Arlington as a significant cultural center;
- K. Promote cultural education for all citizens regardless of age;
- L. Serve as a vocal, strong and visible advocate for the arts throughout the Town, its schools and its other educational entities;
- M. Promote the arts as a viable vocation as well as avocation and encourage the appreciation and understanding of the arts as a means of improving the quality of all endeavors;
- N. Recognize and honor Arlington citizens for outstanding service to the Town in the area of cultural affairs;
- O. Serve as the umbrella organization for Town coordinated arts and culture efforts; and
- P. Take all actions which in its judgment will further the purposes for which it was established consistent with the above.

Section 6. Department Coordination, Staff Position, and Office

The Commission's activities shall be generally coordinated with staff support provided by the Department of Planning and Community Development. The Commission may work with the Department to define specific duties and solicit a person or persons to oversee arts and culture planning activities. Staff or consultant support may be paid by appropriation or from any funds received through grants or gifts to the Commission in

compliance with Local Cultural Council regulations. If no such funds are available, then the appointment thereto may be made on a volunteer basis. The Town Manager shall appoint staff after considering the recommendation of the Commission and Department.

ARTICLE 9
HUMAN RIGHTS COMMISSION
(ART. 22, ATM – 05/12/93)
(ART. 18, ATM - 05/02/16)

Section 1. Preamble

The Town of Arlington has formed Vision 2020 as a long-range planning vehicle; and Vision 2020 has established the Diversity Task Group; and The goal statement of the Diversity Task Group provides that:

"We value the diversity of our population. Our Town's mix of ethnic, religious and cultural backgrounds, as well as economic and personal circumstances, enriches us all. We will be known for the warm welcome and respect we extend to all;" and one of the Diversity Task Group's recommendations is the formation of a Human Rights Commission; and the Vision 2020 Standing Committee, the Fair Housing Advisory Committee, the Affirmative Action Advisory Committee, and others support the creation of such a Commission to foster the policies described in Section 2 below;

The Town of Arlington does hereby create a Human Rights Commission as provided for in this Bylaw.

Section 2. Policy of the Town of Arlington

- A.** It is the intention of the Town of Arlington ("Town") to establish a Commission to advance issues related to the fair and equal treatment of individuals, and to create a mechanism for addressing complaints arising out of these issues.

- B.** It is the policy of the Town to protect every individual in the enjoyment and exercise of their human and civil rights and to encourage and bring about mutual understanding and respect among all people within the Town.
- C.** It is the intention of this Bylaw that all persons be treated fairly and equally. The purpose of this Bylaw is to bring about the elimination of prejudice, intolerance, bigotry, unlawful discrimination, threats, coercion or intimidation based upon an individual's race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status, and the disorder occasioned thereby. Nothing in this Bylaw shall be construed as supporting or advocating any particular religious or political view or lifestyle.
- D.** It shall be considered an unlawful practice under this Bylaw for any person to deny, interfere with, threaten or subject an individual to coercion or intimidation concerning equal access to and/or discrimination in employment, housing, education, recreation, services, public accommodation and public area where such denial, interference, threats, coercion, intimidation or unlawful discrimination against a person is based upon race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.

Section 3. Establishment of a Human Rights Commission

- A. Scope** There is hereby established a Town board to be known as the Arlington Human Rights Commission ("Commission") which may implement the policy of this Bylaw by:
 - 1.** Improving the life of the Town by enlisting community-based groups in educational programs and campaigns to increase mutual respect, harmonious intergroup relations and the peaceful enjoyment of life in our community;

2. Working with Town Government, the School Department, Town Commissions and Boards to increase diversity, as well as awareness and sensitivity to human and civil rights issues;
3. Responding to complaints by persons in the Town who believe that their human or civil rights, as defined in this Bylaw or in state or federal law, have been violated in the Town;
4. Initiating investigations into circumstances which appear to the Commission to be the result of unlawful discrimination against any person(s) in the Town.

B. Appointment & Terms of Office of Commission Members

(ART. 23, ATM – 05/01/96)

(ART. 19. ATM - 05/01/16)

1. The Commission shall consist of thirteen (13) members, five of whom will be appointed by the school committee, four by the Town Manager subject to the approval of the Select Board and four by the Town Moderator. The term of office shall be for three years except two of the initial appointments of the school committee shall be for a term of one year, one of the initial appointments of the Manager and Moderator respectively shall be for one year, two of the initial appointments of the School Committee shall be for two years, one of the appointments of the Manager and Moderator respectively shall be for two years.

The members shall be sworn to the faithful performance of their duties, and shall serve until their successors are appointed and sworn. There may be an Executive Director if determined necessary by the Commission, appointed by the Town Manager with consultation by the Commission.

2. The Commission shall include among its membership individuals publicly solicited and representative of the diversity of the Town.

3. If a member shall fail to attend three or more consecutive meetings of the commission, the commission by vote, may so advise the appropriate appointing authority, who may remove such member, and appoint a successor for the unexpired term of the member so removed.

C. Residency Requirement All members of the Commission shall be residents of the Town at the time of their appointment and throughout their tenure.

D. Executive Director Before appointing an Executive Director, the Town Manager shall consider the recommendation of the Commission. The Executive Director shall be an employee of the Town and report to the Town Manager. The prospective Executive Director shall have demonstrable experience in human and civil rights, as well as proven ability to work cooperatively in a diverse community.

Subject to the direction of the Commission, the Executive Director shall be responsible for the overall administration of the Commission's activities and shall serve as its executive officer. The Executive Director shall have the power and duty to initiate activities designed to educate and inform the Town about the effects of prejudice, intolerance, and bigotry; to receive and/or initiate complaints and investigations of discriminatory practices as defined by local, state, and federal law; to report their findings to the Commission; and to attempt mediation of any complaint alleging discrimination under applicable local, state, and federal law when there is cause for such complaint.

E. Officers, Quorum, and Adoption of Rules and Regulations

1. The Commission shall elect a Chairperson or two from among its members at the first meeting each year. The Commission shall endeavor to rotate the election of a Chairperson each year thereafter. The Chairperson shall preside over the meetings of the Commission.
2. Seven (7) members shall constitute a quorum for the purpose of conducting the business of the Commission

and all decisions shall be by a majority vote of the Commission members present and voting.

3. The Commission shall adopt rules and regulations consistent with this Bylaw and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Bylaw and the powers and duties of the Commission in connection therewith. The rules shall ensure the due process rights of all persons involved in investigations and hearings.
4. Members of the Commission shall serve without compensation.
5. Members of the Commission may be removed by the appointing authority for just cause.

Section 4. Definitions

- A. The terms referencing the basis for discrimination as cited in Section 2 of this Article are as defined below or in applicable state and federal law, including but not limited to G.L. c.12 Sections 11H and 11I, c.93 Section 102, c.151b, the Civil Rights Act of 1964, as amended (42 USC Section 2000d et seq), the Age Discrimination in Employment Act of 1967, as amended (29 USC Section 621 et seq), the Americans with Disabilities Act (42 USC Section 1210 et seq), the Rehabilitation Act of 1974, as amended (29 USC Section 794), the Civil Rights Act of 1991 (PL 102-166), and the Equal Credit Opportunity Act (15 USC 1601 et seq).
- B. The term "person" includes, but is not limited to, one or more individuals, partnerships, associations, agencies, corporations, legal representatives, trustee, trustees in bankruptcy and receivers, the Town of Arlington, federal or state political subdivisions, boards, committees and commissions, or employees thereof.
- C. The term "religious views" shall encompass a belief in a specific set of religious beliefs, as well as a disbelief or skepticism about any or all religious beliefs.

- D.** The term "family status" refers to the actual or supposed condition of having or not having children.
- E.** The term "marital status" refers to the actual or supposed state of being or having been unmarried, married, separated, divorced or widowed.
- F.** The term "source of income" refers to the actual or supposed manner or means by which an individual supports themselves and their dependents excluding the use of criminal activities as a means of support.
- G.** The term "military status" refers to the actual or supposed condition being, not being, having been or not having been in the service of the military.

Section 5. Functions, Powers & Duties of the Commission

The function of the Commission shall be to implement the policy of this Bylaw by the exercise of the following powers and duties:

- A.** To initiate activities designed to educate and inform the Town about the effects of prejudice, intolerance, and bigotry through the following actions:
 - 1.** To hold public hearings and public forums, make studies and surveys and to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.
 - 2.** Develop and/or recommend courses of instruction for presentation in public and private schools, public libraries and other suitable places, devoted to eliminating prejudice, intolerance, bigotry and discrimination and showing the need for mutual respect and the achievement of harmonious relations among various groups in the Town.

3. Create such subcommittees from the members of the Commission as, in the Commission's judgment, will best aid in effectuating the policy of this Bylaw.
4. Enter into cooperative working agreements with federal, state and town agencies, and enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations and other groups in order to effectuate the policy of this Bylaw.

Monitor, publicize and, where necessary, act to increase the diversity on appointed Town boards and committees.

5. Render each year to the Select Board, Town Manager, School Committee and Superintendent of Schools a full written report of all the Commission's activities and recommendations regarding this Bylaw for inclusion the Town Report.

- B. To receive and investigate complaints of and to initiate its own complaints and/or investigations of any violations of this Bylaw.
- C. To attempt by mediation to resolve any complaint over which it has jurisdiction and to recommend to the Town Manager, the Select Board, the Superintendent of Schools or the School Committee, as appropriate, such action as it feels will resolve any such complaint.
- D. In the case of any unresolved complaint or in the case of any investigation which would be aided thereby, to hold hearings, administer oaths, take the testimony of any person under oath and, in connection therewith, to require production of any evidence relating to any matter in question or under investigation before the Commission.

Section 6. Relations with Town Agencies

- A. The Commission, School Department, Community Safety Department and all other Town departments, agencies, boards

and commissions shall work cooperatively to effectuate the policy of this Bylaw.

- B.** So far as practicable and subject to the approval of the Town Manager, or, in the case of the School Department, the Superintendent of Schools, the services of all other Town departments, agencies, boards and commissions shall be made available to the Commission for effectuating the policy of this Bylaw.

The head of any department, agency or other commission shall furnish information in the possession of such department, agency or commission where such information relates to the duties and responsibilities of the Commission.

- C.** The Town Counsel shall provide for representation of the Commission upon the Commission's request.
- D.** Any contract entered into by the Town or the School Department or any of their agencies, departments or subdivisions shall contain a covenant by the contractor and each subcontractor not to violate this Bylaw. Breach of this Bylaw shall be regarded as a material breach of such contract.

Section 7. Complaint Resolution Procedures

- A.** Any person or class of persons claiming to be aggrieved by an alleged violation of this Bylaw shall make, sign and file with the Commission a verified complaint in writing which shall state the particulars and other such information as may be required by the Commission, including, if known, the name and address of the person alleged to have committed such violation. The Commission may also, on its own, issue a complaint whenever it has reason to believe that any person has engaged in a practice that violates this Bylaw.
- B.** No complaint shall be considered unless it is filed within four months after the occurrence of the practice alleged to violate this Bylaw, or unless it has been referred to the Commission by the Massachusetts Commission Against Discrimination or the

Equal Employment Opportunity Commission after having been filed in a timely manner with either or both agencies.

- C.** The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum.

Nor shall filing or failing to file a complaint with other federal, state or town agencies or courts bar the complainant from seeking relief through the Commission.

- D.** After the filing of any complaint, the Chairperson of the Commission shall designate the Executive Director or one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

- E.** After such investigation, the Executive Director or the designated Commissioner(s), as the case may be, shall promptly file a report of such findings with the Commission, which shall determine whether or not to dismiss the complaint. The Commission shall, within ten working days from such determination, notify the complainant in writing of such determination.

- 1.** If such Commissioner(s) determine(s) after such investigations that cause does exist to support the allegations of the complaint or if the Commission so determines, notwithstanding a negative report from such Commissioner(s), the Commission shall forthwith endeavor by mediation to eliminate the practice that violates this Bylaw.

The Commission and its staff shall not disclose the terms of mediation when the complaint has been disposed of in this manner pursuant to G.L. c.233 Section 23C unless both parties agree to the disclosure. The Commission may issue orders consistent with its findings during the mediation process.

2. In the case of such a finding under Section VII.E.1., as part of the mediation process the Commission may issue an informal admonition to the respondent. Such a finding shall not be published or made public, pursuant to G.L. c.233 Section 23C.
3. Alternatively, in the case of such a finding of a more serious nature under Section VII.e.1., the Commission may issue a private reprimand to the respondent. A party receiving a private reprimand shall not be eligible for a similar disposition for two (2) years. Such finding shall not be published or made public pursuant to G.L. c.233 Section 23C.

- F. The respondent shall have the right to appeal any action of this Commission to a court of competent jurisdiction, as provided by law.

Section 8. Contributions to the Commission

The Commission may accept contributions, grants and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the policy of this Bylaw.

Section 9. Construction of Bylaw

The provisions of this Bylaw shall be construed liberally for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by federal or state law.

Section 10. Effect of State and Federal Law

- A. Nothing in this Bylaw shall be deemed to exempt or relieve any person from any liability, duty, penalty or punishment provided by any present or future law of the Commonwealth of Massachusetts or the United States of America.
- B. Any remedies provided by this Bylaw shall be cumulative with any other remedies provided by local, state or federal law.

Section 11. Severability

Should any section, provision, paragraph, sentence or word of this Bylaw be declared by a court of competent jurisdiction to be invalid, that decision

shall not affect the validity of this Bylaw as a whole, or any part thereof, which shall remain in full force and effect, other than the portion so declared to be invalid.

ARTICLE 10
THE CYRUS E. DALLIN ART MUSEUM BOARD OF TRUSTEES
(ART. 23, ATM – 04/26/95)

Section 1. Purpose

The Town of Arlington establishes a board of trustees for the purpose of establishing an art museum in order to store, repair, collect, maintain, preserve, acquire, and display the sculptures, pieces of art and archives of Cyrus E. Dallin; to educate the residents of Arlington and the general public in the importance of Cyrus E. Dallin as an artist and to oversee and administer the collection and museum.

Section 2. Works of Art

The sculptures, pieces of art and archives by and of Cyrus E. Dallin are owned and held by the Town of Arlington. The board of trustees will have custody of those parts of the collection not in a fixed position.

These may not be sold, disposed of, assigned, relinquished, transported or loaned without the approval of the Select Board and compliance with applicable law including but not limited to M.G.L. c. 30B, the Uniform Procurement Law or other law as applicable.

Section 3. Establishing the Museum

The Cyrus E. Dallin Art Museum Board of Trustees shall study the necessities of space, location, and resources needed to establish a museum; present plans, schedules, financial requirements, and recommendations to the Select Board for the Board's approval; and to Town Meeting when and where appropriate.

Section 4. Funding

The Board of Trustees is authorized to solicit and raise charitable contributions, apply for government grants and financial assistance from philanthropic foundations or endowments. The Board of Trustees may also seek budget appropriation from any Annual or Special Town Meeting.

Section 5. Appointment and Powers of the Board of Trustees

- A.** The Cyrus E. Dallin Art Museum Board of Trustees shall be comprised of nine (9) members. These nine members shall be appointed by the Select Board and serve staggered terms in the following manner: Three (3) members for one (1) year; three (3) members for two (2) years and three (3) members for three (3) years.

Following the initial term of these appointments, the term for each member shall be for three (3) years. Members shall continue to serve beyond their expired term until re-appointed or replaced by the appointing authority. Recommendation for appointment to the Board of Trustees may be made by a nominating committee of the Board of Trustees. Members shall serve without compensation.

- B.** The Board of Trustees shall have a chairperson, vice chairperson, secretary and treasurer who shall be selected by majority vote of a duly constituted quorum of the Board of Trustees.
- C.** The Board of Trustees may allow individuals to assist the board and the museum by creating associate memberships, fellowships or other such designations and shall determine the eligibility of these affiliations.
- D.** The Board of Trustees shall establish rules, regulations, policies and practices for the workings of the Board and the museum which shall be subject to the approval of the Select Board. They are also required to adhere to the open meeting laws.

Section 6. Annual Report

The Board of Trustees shall present a report annually to the Select Board detailing the activities, efforts and financial undertakings of the Board of Trustees and museum and an accurate inventory of all these sculptures, pieces of art and archives of Cyrus E. Dallin as well as any other art works owned and held by the Town under the Trustees' care and shall maintain a current appraisal of each sculpture, piece of art and artifact.

ARTICLE 11 POET LAUREAT OF ARLINGTON

(ART. 13 – ATM - 4/30/14)

Section 1. Establishment of an Honorary Poet Laureate of Arlington

There is hereby established for the purposes of advancing the literary arts, enriching the community, and recognizing the literary achievements of Town residents, the honorary position of Poet Laureate of Arlington.

Section 2. Selection, Term and Criteria

Appointment of a Poet Laureate shall be for a term of one year, annually renewable for a total of three years based on the recommendation of a screening committee of five persons consisting of one person each designated by:

- (a) The Library Board of Trustees (by majority vote)
- (b) The Arlington School Committee (by majority vote)
- (c) The Arlington Commission on Arts and Culture (by majority vote)
- (d) Town Meeting Member (appointed by the Town Moderator)
- (e) The Town Manager (with advice and consent of the Select Board):

and confirmed by the Select Board.

This honorary position shall be voluntary. Only Arlington residents shall be considered for appointment, and any person appointed as Poet Laureate of Arlington must at all times remain an Arlington resident during their term as Poet Laureate. In the event that a Poet Laureate is no longer a resident of Arlington during their term, the honorary position shall be construed to have been constructively vacated.

Section 3. Duties of the Poet Laureate

The duties of the Poet Laureate shall be to present original works of poetry, conduct readings and participate in public events and Town, public school and library programs as appropriate and practicable.

**ARTICLE 12
COMMUNITY PRESERVATION COMMITTEE**

(Art. 11 - ATM - 04/29/15)

Section 1. Establishment and Membership

- a. There is hereby established a Community Preservation Committee consisting of a total of nine (9) members pursuant to G.L. c. 44B § 5. The membership shall be composed of one member of the Conservation Commission as designated by such Commission, one member of the Historical Commission as designated by such Commission, one member of the Arlington Redevelopment Board (which serves as the Town's Planning Board) as designated by such Board, one member of the Park and Recreation Commission as designated by such Commission, one member of the Arlington Housing Authority as designated by such authority, and four (4) at-large members appointed by a joint vote of the approval by the Select Board and the Town Manager as follows below in Section 1(b).
- b. Candidates for at-large membership shall be jointly gathered and screened by the Town Manager and the Chairperson of the of the Select Board or their designee, who shall jointly forward recommended candidates for a vote on appointment by the full Select Board plus the Town Manager (a maximum total of six votes representing the five Select Board and the Town Manager). A majority vote the Select Board and the Town Manager shall be required for appointment to an at-large member position.
- c. At-large members shall be appointed to the following initial terms: One (1) for a one-year term, two (2) for two-year terms, and one (1) for a three-year term. All subsequent terms shall be for three years. All other members shall serve a term determined by their designating bodies not to exceed three years. All members, at-large and otherwise, are eligible for reappointment. Should any appointing or designating authority fail to appoint a successor to a CPC member whose term is expiring, such member may continue to serve until the relevant authority names a successor.

No At-Large member of the Community Preservation

Committee shall serve more than six consecutive years at a time. A waiting period of three years shall be imposed on any member of the Committee after serving six consecutive years, if they wish to rejoin the Committee.

- d. A vacancy of the committee shall be filled by the relevant appointing or designating authority.

Section 2. Duties and Responsibilities

The Community Preservation Committee shall have all the duties and powers as set forth in G.L. c. 44 §5, including, but not limited to the following:

- a. The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Select Board, Conservation Commission, the Historical Commission, The Redevelopment Board, the Park and Recreation Commission, the Council on Aging, the Housing Authority, the Finance Committee, and the Capital Planning Committee. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a newspaper of general circulation in the Town.
- b. The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources;

for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation, and support of community housing; and for rehabilitation or restoration of such open space and community housing that is acquired or created with CPA funds. With respect to community housing, the Committee shall

recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to Town Meeting shall include their anticipated costs.

- c. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.
- d. Prior to making its final recommendations to Town Meeting for approval, the Committee shall present draft recommendations to the Select Board, the Finance Committee, and the Capital Planning Committee for comment. Further a designated member of the Select Board, Finance Committee, and Capital Planning Committee shall be permitted, but not required, to serve as a liaison to the Committee

Section 3. Administration and Operation

- a. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A Majority of the members of the Community Preservation Committee all constitute a quorum.
- b. The Community Preservation Committee shall approve its actions by majority vote of the quorum.
- c. Each fiscal year, the Committee shall recommend to Town Meeting an operational and administrative budget. The timing of such budget recommendation shall be coordinated with the Town Manager's annual operating budget submission to the Select Board.

Section 4. Amendments

The Community Preservation Committee shall, from time to time, review the administration of this by-law, making recommendations, as needed, for changes in the by-law and in administrative practice to improve its operations.

Section 5. Construction and Severability

At all times this by-law shall be interpreted in a manner consistent with G.L. c. 44B, the Community Preservation Act. Should any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

Section 6. Effective Date

Following Town Meeting approval of this by-law, this Title shall take effect immediately upon the approval by the Attorney General of the Commonwealth. Each appointing authority shall have forty five (45) calendar days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Town Manager shall make the appointment from the membership of such appointing authority.

ARTICLE 13

ARLINGTON PRIDE/LGBTQIA + RAINBOW COMMISSION

(ART. 15, ATM – 04/26/17)

(ART 4, STM – 12/05/18)

Section 1. LGBTQIA + RAINBOW COMMISSION ESTABLISHED

There is hereby established an LGBTQIA+ Rainbow Commission to promote equality-affirming policies regarding the full spectrum of sexual orientations and gender identities, and to bring greater visibility and empowerment to the LGBTQIA+ population through education, advocacy,

and collaboration with other Town agencies, schools, and community groups.

Section 2. Membership

The Commission shall consist of seven (7) to nine (9) members, six (6) to eight (8) of which are to be appointed by the Town Manager subject to the approval of the Select Board, and one (1) of which shall be appointed by the School Committee. Members shall be appointed to the following initial terms:

Two (2) members to a one-year term, two (2) members for two-year terms, and three (3) members for three-year terms, as determined appropriate by the Town Manager and School Committee. All subsequent terms shall be for three years.

The Manager may, by the majority vote of the Rainbow Commission appoint up to two additional registered voters of the Town for a maximum total of nine (9) commissioners. Additional members appointed pursuant to this section shall serve a single three-year term unless the majority vote of the Commission requests reappointment.

Should an appointing authority fail to appoint a successor to a Commission member whose term is expiring, such member may continue to serve until the relevant authority names a successor. A vacancy of the Committee shall be filled by the relevant appointing authority.

Section 3. Administration and Operation

The LGBTQIA+ Rainbow Commission shall not meet or conduct business without the presence of a quorum. A majority of the members of the LGBTQIA+ Rainbow Commission at any given time shall constitute a quorum and the Commission shall approve its actions by majority vote of the quorum.

Section 4. Effective Date

Following Town Meeting approval of this bylaw, this Title shall take effect immediately upon the approval by the Attorney General of the Commonwealth.

**TITLE III
PUBLIC AND PRIVATE WAYS**

**ARTICLE 1
PUBLIC WAYS**

Section 1. Use of Streets for Construction or Demolition Materials

Any person intending to erect, repair, or demolish any building on any land abutting on any street or way which the Town is required to keep in repair, and who desires to make use of any portion of said street or way for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Board of Public Works. The Board of Public Works may grant a written permit to occupy a portion of said street or way subject to the following conditions in each case, and to any others that in the judgment of the said Board may seem necessary.

- A. Duration of Permit** No permit to remain in force more than ninety days.
- B. Warnings** During the period beginning one-half hour after sunset to one-half hour before sunrise such material or rubbish shall be sufficiently illuminated and indicated so as to effectually warn persons using such street or way.
- C. Safety** A substantial railing or guard shall be maintained around such material or rubbish as long as it remains an obstruction.
- D. Temporary Walk** If such material or rubbish remains as an obstruction for a period of more than one week a good temporary walk shall be built around said obstruction and upon the removal of the material and temporary walk, the street or way shall be restored to the satisfaction of the Board of Public Works.

- E. Bond Requirements** A written agreement or bond, in the discretion of the Board of Public Works, shall be executed by the party to whom the permit is issued to indemnify and save harmless the Town against and from all damage, cost or expense it may suffer or be put to, by reason of any claim for damages or by reason of any proceeding, on account of the existence of such obstruction.

Section 2. Permit Required

No person shall use any portion of any street or way as described in the preceding without the written permit of the Board of Public Works; or having such a permit, without complying with its provisions.

Section 3. Moving Buildings

No person shall move or assist in moving any building more than ten feet high and fifteen feet wide over any street or way which this town is obliged to keep in repair without the written permit of the Select Board first being obtained, or having obtained such permit, without complying with the restrictions and provisions thereof. This section shall not apply to the transportation of small or portable type buildings, when carried upon trucks or other suitable vehicles provided the weight is not sufficient to cause damage to said street or way, or the height of such building above the ground when loaded such as to cause damage to or interference with the overhead property of any person, firm or corporation if the same is being lawfully maintained.

Section 4. Animals

No person shall permit any horses, cattle, swine, sheep or goats under their care to feed by the roadside, to go upon any sidewalk, or to run at large.

Section 5. Vehicles on Sidewalk

No person shall operate any vehicle excepting children's carriages and tricycles upon any sidewalk.

Section 6. Disorderly Conduct

No person shall behave themselves in a rude or disorderly manner, or use any indecent, profane or insulting language in any public place in the Town, or near any building therein, or remain upon any sidewalk, or upon any part of another's property to the annoyance or disturbance of any person.

Section 7. Horses

No person shall intentionally frighten a horse on any public way.

Section 8. Games and Thrown Items

No person shall throw snow-balls, stones or other missiles, play at any game in which a ball is used, or fly a kite in the public ways of the Town.

Section 9. Loitering and Bonfires

(ART. 25, ATM – 04/25/89)

No person shall loiter in any street, or on any sidewalk or in any other public place in the Town after being directed by a police officer to move on, nor shall obstruct the free use of any public way or sidewalk, nor shall build a bonfire thereon.

Section 10. Minuteman Bikeway Hours

The Minuteman Bikeway shall be open to the use of the public between the hours of 5:00 A.M. and 9:00 P.M. Anyone found on said premises between the hours of 9:00 P.M. and 5:00 A.M. shall be considered trespassers and subject to a fine of up to \$20.

Section 11. Motorized Vehicles on Minuteman Bikeway

No person shall operate on the Town portion of the Minuteman Bikeway any motorized vehicle including but not limited to any automobile, snowmobile, moped, motorbike or motorcycle. Violators shall be subject to a fine not to exceed \$200.

Section 12. Posting of Bills

No person shall post, affix, or in any way attach any poster, handbill, notice, advertisement or placard to or upon any post, wall, fence, building or structure without the permission of the owner or their agent.

Section 13. Writing Along Public Ways

No person shall write, paint, mark, stamp or cut any symbol, notice or advertisement upon or into any wall, fence, post, sidewalk, tree, building or structure without the permission of the owner or their agent.

Section 14. Leaving Items on Public Ways

No person shall place or cause to be placed anything in or upon any public way or sidewalk and allow it to remain for more than fifteen minutes after being notified by a police officer to remove same, except as provided in Section 1 of Title III, Article 1.

Section 15. Inhibiting Snow Removal

No person shall place or cause to be placed any vehicle which shall interfere with the removing or plowing of snow, or the removing of ice, in any way of the Town, and Superintendent of Streets or other officer in charge of ways for the time being, for the purpose of removing or plowing snow, or removing ice, from any way, is hereby authorized and empowered to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work and the owner of such vehicle shall be liable for the cost of such removal, and the storage charges, if any, resulting therefrom.

Section 16. Skating

No person shall coast or skate on any street or sidewalk where same has been forbidden by the Select Board.

Section 17. Trees

No person shall fasten any animal to any tree standing in any public way or place, or allow an animal under their care to in any way injure such tree.

Section 18, Street Performances

(ART. 14, ATM, - 04/30/14)

A. Purpose

The existence in Arlington of street performers provides a public amenity that enhances the character of the Town, and the Town seeks to encourage such performances on Town public ways to the extent that they do not interfere with the reasonable expectations of (1) residents to the enjoyment of peace and quiet in their homes; and/or (2) business owners to public access to and effective conduct of their business. It is the intention of this bylaw to balance the interests of the performers with those of the residents and businesses of the Town.

B. Definitions

1. Perform – Includes, but is not limited to, the following activities: acting, singing and playing of musical instruments, pantomime, juggling, magic acts, dancing, reading and reciting of literary works, puppetry, sidewalk art working with non-permanent, water-soluble media (i.e., chalk, pastels, watercolors directly on the pavement), conducted live and in-person, but shall not include presentations of audio/visual reproductions of such activities or the production of items for sale.
2. Performer – An individual artist, member of an ensemble, or sponsor of a street fair or public festival, who has obtained a permit pursuant to this bylaw and Select Board regulations and is responsible for compliance with such provisions.
3. Public Ways – Any Town way or in any place to which the public has a right of access, is dedicated for public access, or upon any way or in any place to which members of the public have access as invitees or licensees, consistent with this Article's definition and use of the term "public Ways", which includes, but is not limited to Town public sidewalks and streets, but does not include Town parks and recreation areas or Town school property.

C. Permit Required and Regulations

No person shall perform in or on a public way as defined under this article without a permit issued by the Select Board. The Select Board shall draft and promulgate appropriate procedures and regulations for the issuance of permits consistent with the provisions of this article.

Permit holders shall comply with all regulations and conditions of permits. Failure to comply with regulations and permits shall, at a minimum, render any and all permits held by a performer under this bylaw void.

Section 19. Awnings

No person shall establish or maintain in any part of any public way any awning or shade, the lowest part of which is less than seven feet above such public way.

Section 20. Excavations in Streets and Sidewalks

(ART. 30, ATM – 05/02/90) (ART. 27, ATM – 05/03/93)

- A. Permit Required** No person or Town department, except the Director of Public Works or the Director's designees in the performance of their duties, shall break or dig up, or cause to be broken or dug up, the pavement within the limits of any public street, or any paved sidewalk or curbing in any public street, without the permission in writing of the Board of Public Works (or the Town Engineer in the event that the Board of Public Works delegates such authority thereto) or having obtained such permission, shall fail to comply with the conditions thereof. The Board of Public Works may give such permission following the commencement of any excavation required by an emergency and made by a person engaged in the manufacture, transmission, or distribution of gas, electricity, or intelligence transmitted by electricity or other means. In such case, the rights granted by and conditions contained in such permission shall apply to all acts of such person whether performed before or after having received such written permission following emergency excavation.

Any person who excavates without prior written approval of the Board or its designee, or who fails to comply with the conditions of such approval, or who commences same due to a perceived emergency and subsequently requests, but is denied permission from the Board, shall reimburse the Town, in addition to any fines provided for in this Bylaw, for all expenses and damages which the Town may suffer or be compelled to pay by reason of such unauthorized excavation or any failure to comply with said conditions.

- B. Definition of Person** For purposes of this Bylaw, the term "person" shall mean any natural person, corporation, partnership or other legal entity performing such excavation or directing same.
- C. Permit Fee** There shall be a fee charged for any excavations made in conjunction with this Bylaw.

The Board of Public Works shall establish said fee in each instance which shall be directly proportional to both the fraction of the street's useful life that would have remained had no excavation occurred and to the square foot area excavated.

The purpose and amount of the fee will be calculated on the basis of reimbursing the Town for any funds necessary to recoup the costs of resurfacing streets whose useful life have been reduced by reason of such street excavations and/or to fund the costs of any repairs required by improper resurfacing or patching performed by the excavator.

- D. Power to Promulgate Rules** The Board of Public Works is further empowered to promulgate Rules and Regulations so as to regulate properly the excavation and restoration of the public ways of the Town. Said Rules and Regulations shall include, but not necessarily be limited to, matters relating to insurance, plans, scheduling of work, emergency excavation, traffic control, protection of other utility equipment, notification of other utilities, protection of adjoining property, clean up, dust control, noise abatement, backfilling control, testing of the work, and prompt and workmanlike completion of the work.

E. Enforcement

(ART. 45, ATM – 05/12/97)

Any violation of this Bylaw shall be punishable by a fine of \$300.00. Each day in which a violation occurs shall be considered as a separate offense. The Select Board is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized.

Section 21. Littering Prohibited

Except as otherwise provided by statute, by-law, or department regulation, no person shall, in any manner, place or cause to be placed in or upon any public way, public place or body of water within the Town, rubbish, waste material, filth, snow or discarded substance of any kind.

Section 22. Placing of Rubbish for Removal

(ART. 45, ATM – 05/12/97) (ART. 10, STM – 5/9/12)

No person shall place on the Public Way or Private Way or any land abutting and within 15 feet of the Public Way or Private Way, or cause to be placed, any rubbish or other refuse intended to be removed by the Town before 6:00 P. M. on the date before the date appointed for pick-up of same if residential, or 6:00 A. M. of the date appointed for pick-up of same if commercial or industrial. Any uncollected rubbish or recyclable material must be removed by 9:00 P.M. of the first date after the date appointed for pick-up.

Violations of same shall be punishable by a fine of \$20.00. The Select Board is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized.

Section 23. No Garbage Picking

No person, except an officer or employee of the Town shall disturb, over-haul, or, interfere with the contents of any barrel or other receptacle containing ashes or other refuse material which has been set out to be carried away by an employee of the Town.

Section 24. Snow Removal - Residences

(ART. 19, ATM – 04/28/04) (ART. 45, ATM – 05/12/97)

(ART. 23, ATM – 04/27/11)

The owner or occupant of any residentially zoned land abutting a paved sidewalk in the Town shall cause all snow and ice to be removed from said sidewalk by plowing, shoveling, scraping or otherwise so as not to damage

such sidewalk, and within eight hours between sunrise and sunset after such snow and ice have come upon the sidewalk. Only so much of said sidewalk that shall afford a space wide enough to accommodate the passage of two pedestrians shall be required. Violations of this section shall be punishable by a fine of \$25 per day that the snow and ice are not so removed. The Select Board is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized; the Board is also authorized to exempt citizens upon petition showing demonstrable extreme hardship due to a combination of health and financial duress. Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.

Section 25. Snow Removal - Apartments / Condominiums

(ART. 20, ATM – 04/28/04) (ART. 45, ATM – 05/12/97)

(ART. 23, ATM – 04/27/11)

The owner of any residential property utilized for apartment house or multi unit condominium use that abuts a paved sidewalk in the Town shall cause all snow and ice to be removed from the entire width of such sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within the first three hours between sunrise and sunset after such snow and ice have come upon such sidewalk. Violations of this section shall be punishable by a fine of \$50 for each day the snow and ice are not so removed. The Select Board is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized. Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.

Section 26. Snow Removal – Businesses

(ART. 11, STM – 01/25/88) (ART. 21, ATM – 04/28/04)

(ART. 45, ATM – 05/12/97) (ART. 23, ATM – 04/27/11)

The owner or occupant of any land abutting upon a sidewalk of a public way in this Town, which said property is used for business purposes other than farm business, shall cause all snow and ice to be removed from such sidewalk. Such snow and ice shall be so removed by ploughing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within the first

three hours between sunrise and sunset after such snow and ice has come upon such sidewalk.

Violation of this section shall be punishable by a fine of \$50 per day that the snow and ice are not so removed. The Select Board is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized. Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.

Section 27. Curbing for Parking Lots

No person, partnership, firm, or corporation maintaining a parking lot for automobiles or trucks abutting a public sidewalk shall permit the trucks or automobiles to extend into the public way over a sidewalk or street. To prevent any vehicle from extending from private property into a public way, the property owner shall install a curbing or bumpers on the private property to prevent the vehicle from extending into a public way and blocking a sidewalk or street. Owners of property abutting a public way maintaining an off street parking lot, truck storage area, or sales area displaying vehicles for sale abutting a public way shall install the required concrete curbing or bumpers within six months of the effective date of this By-Law, and further whoever violates a provision of this By-Law shall be punished by a fine of not more than \$50.00 with each day of violation being considered a separate offense.

Section 28. Alcoholic Beverages Prohibited

No person shall drink any alcoholic beverage as defined in Chapter 138, Section 1 of the General Laws, while on, in or upon any public way, or upon any way to which the public has a right of access, or any place to which the public has access as invitees or licensees, park or playground or private place without the consent of the owner or person in control thereof.

Whoever violates this By-Law may be arrested without a warrant by an officer authorized to serve criminal process if they are unknown to the officer. All alcoholic beverages being used in violation of this By-Law shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned into court, at which time they shall be returned to the person or persons entitled to lawful possession. Anyone found guilty of the violation of this By-Law shall be punished by a fine of not over two hundred dollars (\$200.).

Section 29. Barbed Wire

Barbed wire is prohibited on that part of a structure or fence which is facing and within ten (10) feet of a public way, excepting those areas where its presence is deemed necessary for public safety by the Director of Community Safety.

Section. 30. Discharge of Water on Public Ways

(ART. 56, ATM – 05/19/97)

No person shall cause to be discharged any water on public ways of the Town if in so doing ice is formed in such a manner as to make unsafe the passage of vehicles or persons on such public way.

Section 31. Newsracks

(ART. 16, ATM –05/17/99) (ART.17, ATM – 04/30/12)

A. General Purpose.

The proliferation of newsracks in Arlington sometimes impedes access to crosswalks and handicapped ramps and unreasonably impedes access for the use and maintenance of utility poles, traffic signals and signs, hydrants, and mailboxes, obstructs the flow of sidewalk and vehicular traffic, obstructs access to bus stops, taxi stands, loading zones, and fire lanes, impedes snow removal and creates a visual blight due to their disarray and these newsracks are often not properly maintained and frequently collect trash and become covered with graffiti. The purpose of this provision is to regulate but not to prohibit the use of such newsracks.

B. Definitions.

When used in this bylaw, unless the context otherwise requires, the following terms shall have the following meanings:

1. Director shall mean the Director of the Public Works Department of the Town of Arlington or such person as said Director may designate from time to time.
2. Newsrack shall mean any type of self service device for the vending or free distribution of newspapers, periodicals, or printed material of whatever nature.

3. Certificate of Compliance shall mean the Certificate of Compliance issued by the Director to the Certificate Holder in accordance with the provisions of this bylaw.
4. Certificate Holder shall mean the holder of a Certificate of Compliance issued by the Director in accordance with the provisions of this bylaw.
5. Operator shall mean any natural person or other legal entity including, but not limited to, corporations, partnerships, joint ventures and the like who either own, operate or otherwise are in control of a newsrack.
6. Public Way shall mean any public highway, private way laid out under authority of statute, way dedicated to public use, or way under control of park commissioners or other body having like power.

C. Certificate of Compliance/Application Process

(ART. 17, ATM – 5/30/12)

1. No person shall place or affix, erect, or maintain or continue to maintain newsracks in any Public Way of the Town without first obtaining a Certificate of Compliance from the Director.
2. The Director shall be the issuing authority and coordinator of the application process and administrator of this bylaw and the Director or their designee shall review and approve for compliance with Subsection C, entitled Certificate of Compliance and, Section D, entitled Standards.
3. Applicants must complete a written application on a form provided by the Director and returned to the Director's office.
4. The application must contain the name, address, and telephone number of the applicant in addition to the name, address, and phone number of a natural person whom the Director may notify concerning the applicant's newsracks.

In addition, the application shall describe in sufficient detail the number, location, and type of newsracks for which the Certificate of Compliance is sought.

5. If such a Certificate is issued, the applicant shall file with the Town Counsel a Certificate of Insurance naming the Town as an additional insured party in an amount sufficient in the opinion of the Town Counsel to indemnify the Town from any and all property damage and personal injury including death to which the Town may be exposed by reason of placement of such newsracks.
6. The Director shall issue the Certificate upon the Director's finding that the applicant is in compliance with the provisions of this bylaw. The Director shall issue a Certificate within ten (10) days of the Director's receipt of the completed application. The Director shall issue a partial Certificate of Compliance upon a finding that some of the newsrack locations are in compliance with the provisions of this bylaw.

In the event a partial Certificate of Compliance is issued, the Director shall notify the applicant in writing of the locations not in compliance and the reason(s) for the non-compliance. The applicant shall have the right to move said newsracks or adjust them within ten (10) days from receipt of the notice to rectify the non-compliance.

Upon correction of the noncomplying locations, the Director shall issue a Certificate of Compliance replacing the partial Certificate of Compliance. The issuance of a Certificate of Compliance or a Partial Certificate of Compliance shall designate the applicant as the Certificate Holder.

7. If an application for a Certificate of Compliance is denied or the Director issues a partial Certificate of Compliance, the Director shall notify the applicant within ten (10) days of the Director's receipt of the completed application. The Director shall state the specific reasons for the denial or the partial Certificate of Compliance. An applicant who has been denied a Certificate or granted a partial Certificate of Compliance may appeal within thirty (30) days of denial by requesting in writing to the Director an appearance before the Director to review said denial

or partial Certificate of Compliance. The appeal shall be heard within 10 days of the receipt of the appeal. The decision of the appeal shall be sent to the applicant within five (5) days after the hearing.

8. Certificates of Compliance must be renewed annually in accordance with renewal procedures adopted by the Director.

D. Standards.

No newsrack(s) shall be fixed, erected, installed, placed, used, or maintained:

1. At any location whereby the clear space for the passage of pedestrians is reduced to less than seven (7) feet in width or if the location is less than seven feet wide, then the clear space for the passing of pedestrians shall not be less than four (4) feet; and
2. Within five (5) feet of any marked or unmarked crosswalks or handicapped ramp; and
3. Within five (5) feet of any fire hydrant, fire land, fire call box, mail box, telephone booth or bus stop.
4. If same remains empty of the contents for which it was intended for a period in excess of thirty-one (31) days.

E. Enforcement Procedures.

1. Any newsrack which does not have a Certificate of Compliance issued or for which an Application is not pending review or whose placement is not in compliance with the standards set forth in Section D, may be removed by the Director after ten (10) days written notice to the owner thereof unless same is brought into compliance before the expiration of the ten (10) day period.
2. Enforcement of the provisions of this bylaw shall be carried out by the Director. Upon determination that a violation of any

provision of this bylaw exists, the Director shall notify the Certificate Holder of the violation in writing by first class mail.

If the Director is without knowledge as to the address of the owner of the newsracks the Director shall be entitled to rely upon whatever information is on the outside thereof if any.

The notice shall include:

1. The date and location of the incident or other cause giving rise to the incident; and
2. A brief and concise statement of the facts causing the violation.
3. The notice shall inform the Certificate Holder that at the expiration of ten (10) days from receipt of the violation notice, the newsrack will be removed by the Director, unless the violation is corrected.
4. Upon removal of the newsrack, the Director shall send, by first class mail, written notice of such removal to the Certificate Holder.
5. Notwithstanding the provisions of the foregoing paragraphs, the Director may order the immediate removal of any newsrack(s) that the Director determines presents an imminent threat or peril to public safety, provided the Certificate Holder shall be notified of such removal as soon as practicable thereafter, and further provided that any newsrack so removed shall be stored for a period of thirty (30) days in order to allow the Certificate Holder to retrieve the newsrack. If the Director removes a newsrack under this paragraph 5 which does not have a certificate of compliance, the Director may dispose of the newsrack at the end of the thirty day period.

F. Severability.

The provisions of this bylaw shall be severable, and if any part thereof shall be held invalid by any court of competent jurisdiction, then the decision of the court shall not effect or impact any remaining provisions.

Section 32. Overgrowth of Trees and Shrubs
(ART. 26, ATM – 05/09/01)

No person owning property abutting a public way shall permit the growth of trees, shrubs or other plant life over the public ways of the Town that inhibits safe travel for pedestrians.

Section 33. Prohibition Against Obstructing Public Ways
(ART. 22, ATM – 04/28/04)

No person, except an officer or employee of the Town shall place or throw or cause to be placed or thrown on to any public sidewalk, street, fire hydrant, or highway any snow, dirt, leaves, gravel or foreign substance or material. Violations of this section shall be punishable by a fine of \$25.00 per day if the material is not removed.

The Select Board is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized; the Board is also authorized to exempt citizens upon petition showing demonstrable extreme hardship due to health and/or financial duress.

ARTICLE 2
FIRE LANES

Section 1. Fire Lanes at Housing Authority Property

The leaving of vehicles unattended is prohibited within the limits of private ways under the jurisdiction of the Arlington Housing authority which furnish means of access for fire apparatus to any building.

Section 2. Rules with Respect to Private Ways

A. Preventing Fire Apparatus Access - Fire Regulations: It shall be unlawful to obstruct or block a private way with a vehicle or any other means so as to prevent access by fire apparatus or equipment to any multiple family building, stores, shopping centers, schools and places of public assembly.

B. Fire Lanes - Fire Lanes: It shall be unlawful to obstruct or park a vehicle in any Fire Lane, such Fire Lanes to be designated by the Head of the Fire Department and posted as such. Said Fire Lanes to be a distance of twelve (12) feet from the curbing of a sidewalk in a shopping center, apartment complexes and similar locations. Where no sidewalk with curbing exists, the distance shall be twenty (20) feet from the front wall of the building.

C. Removal of Object in Fire Lane - Any object or vehicle obstructing or blocking any Fire Lane or private way, may be removed or towed by the Town under the direction of a Police Officer at the expense of the owner and without liability to the Town of Arlington.

D. Posting of Signs for Fire Lanes - The owner of record of any building affected by these sections shall provide and install signs and road markings as provided, in Paragraph (b) of this section. Said signs shall be no less than 12" x 18" and shall read "Fire Lane - No parking - Tow Zone."

E. Enforcement - Any person violating any of the foregoing sections shall, for each offense be punished by a fine of fifty (\$50.) dollars. Each day that such violation continues shall constitute a separate offense.

ARTICLE 3
REPAIRS TO PRIVATE WAYS

Section 1. Classification

The Town Engineer and the Director of Public Works upon request of the Select Board acting in its capacity as the Board of Public Works shall recommend the classification of private ways in the Town according to the state of their construction and repair. The Board may then adopt such classifications with any modifications it may deem appropriate.

Section 2. Definition and Authorization

(ART. 20, ATM –05/04/92) (ART. 23, ATM – 04/28/04)(ART. 12, ATM – 04/23/18)

- A. The private property owners abutting private ways are responsible for the maintenance of such ways, which must be maintained so that there are no defects to impede the safe passage of emergency vehicles. This bylaw provides a means by which the Town may assist in the maintenance of such ways, primarily by providing a mechanism for private way abutters to fund repairs known as a “betterment.”
- B. The Board may vote to direct the Town Manager to make temporary repairs to private ways at the request of the Director of Public Works as provided below. Temporary repairs shall be limited to the filling of potholes and temporary patching.
- C. The Board may authorize a temporary or extensive repairs to private ways by abutter petition for a betterment. Extensive repairs shall include, but not be limited to, skimcoating, armor coating, drainage work, and grading of gravel roadways. For all extensive repairs the petitioners agree to enter into a contract with a private contractor to repair and pave the roadway forthwith.

Section 3. Criteria

(ART. 35, ATM – 05/18/05; ART. 12, ATM 04/23/18)

A. Abutter Criteria

The Board shall in making its determination as to the advisability of making temporary or extensive repairs by abutter petition take into consideration the following factors:

1. The accessibility of the properties on the private ways to emergency vehicles such as police, fire and rescue.
2. The volume of traffic that utilizes the private way i.e. deadend as opposed to feeder or connecting streets.
3. The percentage of abutters on the particular private way petitioning the Board for the repairs.
4. The number of years that the way shall have been open to public use.
5. Such other considerations that the Board deems appropriate.
6. Public Safety.

B. Town Criteria

The Board may authorize temporary repairs at the request of the Town whenever the Director of Public Works so advises the Board that repairs are required to abate an immediate hazard caused by a defect necessary for the safe passage of public safety vehicles.

Section 4. Petition ***(ART. 12, ATM 04/23/18)***

The Select Board shall consider any private way or portion thereof for temporary or extensive repairs after having been petitioned to do so by at least two-thirds of the total number of abutting property owners on the Private Way who directly abut the portion to be considered for temporary or extensive repairs. The Town shall only be considered an abutter for the purposes of this section, and assessment of costs in Section "6," to the extent a private way is substantially used by Town staff or the public for the specific purpose of utilizing an abutting Town parcel.

The Select Board may after careful consideration, elect to do the entire portion which was petitioned for, or a lesser portion, provided at least two-thirds of the abutting property owners on the lesser portion to be done are in favor of such action. The Select Board shall upon receipt of a petition with at least two-thirds of the abutters' signatures affixed thereto

shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All abutters shall be given written notice of the hearing not less than seven (7) days prior thereto.

Section 5. Alternate Petition

Notwithstanding the provisions of Section 4 above, the Board may also consider a number of private ways for repair as a whole project when these private ways are ways where a majority of abutters are members of an association of abutters whose major purpose has been the maintenance and repair of those ways upon which these members' properties abut.

The Select Board may only consider these private ways to be repaired as a whole project when having been petitioned by two-thirds of the total number of abutters who abut all of the ways represented by the association. The Select Board upon receipt of such a petition shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All of the abutters on all of the ways represented shall be given written notice of the hearing not less than seven days prior thereto.

Section 6. Assessment of costs

(ART. 23, ATM – 04/28/04) (ART. 35, ATM – 05/18/05) (ART. 12, ATM 04/23/18)

The costs of all labor and materials and processing shall be assessed equally to all abutters on the private way, or portion thereof (except with respect to Town property as set forth in Section 4), or if the Select Board votes to order any repairs pursuant to a petition filed under Section 5 all the abutters on all the private ways to be repaired without regard to linear frontage.

A **one-third deposit** of the total estimated cost of the completion of the repair project shall be required before any work can be commenced. All remaining costs shall be apportioned, assessed and collected on a per-property basis pursuant to the procedures provided in Chapter 80 of the General Laws, the Betterment Act, including the placing of liens on the affected property and the collection of apportioned costs by means of property tax collection.

Any and all such deposits shall be deducted from the equalized share of the property owners actually paying.

Section 7. Collection of Apportioned Share

(ART. 35, ATM – 05/18/05)

The Select Board before authorizing any repairs shall adopt a formal Betterment Order which shall require each abutter to pay their property's unpaid apportioned share of the repair cost over a five-year period to include interest at 5 percent or 2 percent above the cost (including Town oversight and administration costs) of any bond issued to fund the repair in question. The Assessors in conjunction with the Town Tax Collector will commit such amount to the respective abutter's property tax bill and the Engineering Division of the Public Works Department will cause same to be recorded at the Registry of Deeds so that same runs with the land.

Section 8. Liability

(ART. 35, ATM – 05/18/05) (ART. 19, ATM – 05/04/92) (ART. 11, ATM 04/23/18)

There shall be a limitation of liability on the Town of Five Hundred (\$500.00) Dollars for any damages arising from any negligent repair of the private way which shall include damage from surface water run-off.

No repair shall be commenced until all the petitioners have signed an agreement with the Town holding the Town harmless from any additional damages arising from any negligent repair and providing evidence of insurance to the satisfaction of the Town. However, nothing in this paragraph shall excuse the Town from damages to property caused by the Town or agents thereof, during the repair process.

Temporary repairs made at the request of the Director of Public Works necessary to abate an immediate hazard caused by a defect shall not be considered as maintenance of the private way, nor shall the way be considered a public way. The Town shall not be liable for any damage incurred by the defect, subsequent repair or failure to make repairs to private ways.

ARTICLE 4
DAMAGE TO WAYS, LIABILITY BOND
(ART. 12, ATM – 0 4/24/00)

Any person or entity seeking to develop any property in the Town shall be required to post with the Inspector of Buildings, with the application for a building permit, a liability bond in an amount satisfactory to the Inspector of Buildings to ensure against damage to the public or private ways of the Town or abutting properties caused by heavy equipment used in such development.

**TITLE IV
PUBLIC AREAS**

**ARTICLE 1
USE OF AREAS UNDER CONTROL OF PARK DEPARTMENT**

Section 1. Entrances and Exits

No person shall enter or leave any Park, Playground Beach or other area except at regular designated entrances or exits.

Section 2. Protection of Parks

No person shall injure, deface, dig up or displace, cut, break, remove, fill in, raise, destroy, or tamper with any road, walk, lawn or beach; or deface, defile, injure, destroy or ill use any building, bridge, structure, fence, sign, bench, seat, platform, plant, flower, bush, tree, shrub, turf, rock or other property or equipment, real or personal, belonging to the Town of Arlington under the jurisdiction of the Park Department, or have possession of any part thereof.

Section 3. Actions Prohibited

- A.** No person shall within any park or playground area throw any stone or missile; or have possession of or discharge any destructive weapon, firearm, fireworks, torpedo or explosive; or make a fire except by written consent of the Park Commissioners; or post, paint, affix, distribute or display any sign, notice, circular, program, placard or any other advertising device except by written consent of the Park Commissioners; or drop or place and suffer to remain any piece of paper, garbage or other refuse, except in the receptacles designated therefor, nor throw a lighted match, cigar, cigarette or other burning substance in said receptacles, or upon the ground; nor bring or cause to be brought within any area under the control of said Park Department any garbage, refuse or material for the purpose of depositing same within said receptacles; or bring or cause to be brought within any area under the control of the Park Department glass containers or any articles made of glass; or break or cause to be broken any glass containers or any articles made of glass within any area under the control of the Park Department.

- B.** No person shall within a park or playground area solicit the acquaintance of or annoy another person; or utter loud outcry; or solicit alms or subscriptions; or have possession of or drink any intoxicating liquor; or make a harangue; or make any undue noise or disturbance.
- C.** No person shall within a park or playground area have possession of or drink any intoxicating liquor.
- D.** No person shall within a park or playground have in their possession an opened glass beverage container.
- E.** No dumping of any kind shall be made within any park or playground area, except by written consent of the Park Commissioners.

Section 4. Permit Required
(ART. 30, ATM – 05/05/04)

A permit is required for all organized groups to utilize a playing field. The Parks and Recreation Department may issue such permits as it deems appropriate with reasonable regulations as it shall determine relating to utilization of property under its jurisdiction. The regulations may include without limitation consideration as to the condition of the fields as affected by inclement weather or over use.

Section 5. Hours of Operation

All areas under the care and control of the Board of Park and Recreation Commissioners are considered to be opened at 5:00 A.M. and closed at 9:00 P.M., unless extended by the written consent of said Board. Anyone found on said premises between the hours of 9:00 P.M. and 5:00 A.M. without permission shall be considered to be trespassers.

Section 6. Golf Prohibited

The playing of golf is strictly prohibited in or upon all areas under the care and control of the Park Department.

Section 7. Bathing Attire Required

No person unless properly clothed, shall be upon any beach, or swim, bathe or wade in any water within or adjoining any area under the care and control of the Park Department and then only at such times and in such places as the Park Commissioners may designate; nor loiter or walk upon a sidewalk or roadway or about an area, other than a bathing beach, in a bathing costume, unless wearing a closed covering; nor lower from their shoulders or remove any part of their bathing costume on any beach; nor disrobe for bathing in a public sanitary or within public view.

Section 8. Animal Control

(ART. 9, ATM – 04/28/03), (ART. 36, ATM – 5/12/10)

No person shall cause or permit any animal owned by them or in their custody or under their control, to roam or be at large, in, on or through any park or playground, except in any area designated by the Board of Park and Recreation Commissioners as a "Dog Park", "Dog Run", or "Dog Exercise Area" or, except a dog when restrained by a leash not exceeding six (6) feet in length. No animals are allowed on any beach under the care and control of the Park Department. Notwithstanding the foregoing, from park opening time until 9 am, a maximum of two dogs per handler may be off-leash, under effective owner control, in all lands under control of the Parks and Recreation Commission except:

- A. those lands directly contiguous to school properties;
- B. within 15 feet of playground equipment;
- C. by specific exclusion of the Parks and Recreation Commission.

Section 9. Certain Travel Prohibited

No person shall ride or drive an animal or ride a bicycle or motorcycle, or ride or drive a motor car or other vehicle upon or over any area under the care and control of the Park Department which has been closed to travel by the placing therein or the erection thereon of a barrier, fence, light or sign indicating that such area is closed for public travel.

Section 10. Signs and Direction of Town Personnel

No person shall refuse or neglect to obey any rule, posted by sign concerning the use of any area under the care and control of the Park Department; nor shall they refuse or neglect to obey any reasonable direction of a police officer or a person in charge of such area.

Section 11. Violation and Fines

(ART. 30, ATM – 05/05/04)

Any person violating any of the foregoing, except Section 3C or Section 4 and Section 8 shall be punished by a fine of not more than twenty (\$20) dollars. Any person violating Section 8. for each offense, shall be punished by a fine of not more than fifty (\$50) dollars. Any person violating Section 3C or Section 4, for each offense, shall be punished by a fine of not more than two hundred (\$300) dollars.

**ARTICLE 2
USE OF AREAS UNDER CONTROL OF
THE SCHOOL DEPARTMENT**

Section 1. Actions Prohibited

No person shall injure, mutilate, or destroy any property or equipment, real or personal, belonging to the Town of Arlington under the jurisdiction of the School Department.

Section 2. Parking Prohibited

No person shall park a vehicle on property under the jurisdiction of the School Department except while attending functions at or doing business in the adjoining school building; such parking shall be only at designated locations and not in conflict with faculty or school personnel parking and not in violation of Fire Department regulations governing parking adjacent to school buildings.

There shall be no overnight parking of vehicles on any School Department property except for vehicles under the direct control of the School Department, or by special permit issued by the Superintendent of Schools.

Section 3. Signs and Direction by Town Personnel

No person shall refuse or neglect to obey any rule, posted by sign, concerning the use of any area under the jurisdiction of the School Department; nor shall they refuse or neglect to obey any reasonable direction of a police officer, custodian or School Department employee during the time they are on School Department property.

Section 4. Animals Restricted

No person shall cause or permit any animal owned by them or in their custody or under their control to roam or be at large in or on any property under the care and control of the School Department, except a dog when restrained by a leash not exceeding six (6) feet in length.

Section 5. Hours of Use Restricted

No person shall remain upon school grounds, including playgrounds, during the periods when school is in session except when under the direct supervision of school personnel.

Section 6. Loitering and Other Actions Prohibited

No person or persons shall congregate in doorways or recess areas of school buildings for purposes of loitering, card playing or any other activity not specifically authorized by the School or Park Department.

Section 7. Motorcycles Prohibited

Motorcycles and motor scooters are not permitted on school property including the roadway in the rear of the Arlington Senior High School building.

Section 8. Fines and Violations

Any person violating any of the foregoing section shall, for each offense, be punished by a fine of not more than twenty (\$20) dollars.

ARTICLE 3 CARE OF BURIAL GROUNDS AND LOTS

Section 1. Fees of Cemetery Commissioners

The Town will accept and forever hold in trust, money or securities which may hereafter be deposited with the Town Treasurer for the perpetual care, preservation, improvement or embellishment of any public or private burial place, or any graves therein, agreeable to the Provisions of the statutes of the Commonwealth; and will so accept for such care, preservation, improvement, or embellishment of any lot therein containing two hundred or more square feet, such sum not less than two hundred dollars (\$200) as the board of cemetery commissioners may determine, and of any lot therein containing less than two hundred (200) square feet, the sum of one dollar (\$1.00) for each square foot of such lot.

Section 2. Agreements with Burial Rights Holders

The Town Treasurer is authorized to enter into agreement in behalf of the Town with the holders of burial rights in any lot in the cemeteries of the Town to keep forever such lot, and the structures and grass thereon, in good and neat condition, so far as the same can be done by an expenditure not exceeding the income from any sum of money or not exceeding the income from any securities, which such holder may have deposited with the Town Treasurer for said purpose.

Section 3. Segregation of Monies

Money and securities received under the provisions of the preceding section shall not be mingled with other money or securities of the Town, but shall be kept and invested separately as a cemetery fund, and unless otherwise specifically provided for in the terms of the gift, the income only shall be used.

**ARTICLE 4
BATHING AND MOTORBOAT USAGE REGULATED****Section 1. Bathing**

No person shall bathe or swim in any public or exposed place in the town without wearing a proper covering for the body.

Section 2. Regulation of Motor Boats on Spy Pond (*ART. 26, ATM – 05/02/11*)

The operation and use of any internal combustion engine greater than 10 horsepower in or upon the waters of Spy Pond shall be prohibited, except in cases of emergency; nor shall they create wake within 50 feet of the shore of Spy Pond Park; further, no powered recreation vehicles shall operate at speeds greater than 10 miles per hour, except in cases of emergency. Said By-Law shall become effective June 1, 1976. Each violation shall make a person liable to a penalty of not more than \$50.00.

**ARTICLE 5
FEEDING OF WATERFOWL
(*ART. 13, ATM - 04/24/00*)****Section 1. Preamble:**

Non-migratory wild geese have grown into a large population within the Town of Arlington. They have soiled town parks, playfields, ponds and

reservoirs with droppings, making some areas therein unsuitable for public use.

Feeding has contributed to the increasing size of the goose population and to litter in parks and other public areas. This practice may contribute to the problem of rats in these same public areas. One step in reducing these problems is to stop feeding these wild birds.

Section 2. No Unauthorized Feeding of Waterfowl

No person shall distribute any food to any waterfowl or scatter any foodstuffs upon or around any reservoir, public park, and recreation area or in any public place within the Town of Arlington. The distribution of food authorized by the Town for feeding of wild or domestic animals shall be exempt from this regulation.

Section 3. Fines for Violations

Any person who violates this provision shall be subject to a fine of \$25 for the first violation, \$50 for the second and third violations and \$100 for each subsequent violation.

**TITLE V
REGULATIONS UPON THE USE OF PRIVATE PROPERTY**

**ARTICLE 1
BILLBOARDS AND SIGNS**

**Section 1. Restrictions on Use
(ART. 7, ATM - 05/04/15)**

No person, firm, association, or corporation shall erect, display, or maintain, within the limits of the Town, a billboard, sign, or other outdoor advertising device, unless it meets the following requirements or unless it was approved by the Massachusetts Outdoor Advertising Board under Section 30 and 32 of Chapter 93 of the General Laws, or by any amendments or additions thereto, in which case any such sign, billboard, or other outdoor advertising device shall comply with the requirements of this Section (1) one by January 1, 1973:

- A.** Within fifty (50) feet of any public way;
- B.** Within three hundred (300) feet of any public park, playground or other public grounds, if within view of any portion of the same;
- C.** Nearer than fifty (50) feet to any other such billboard, sign or other advertising device, unless said billboards, signs or other advertising devices are placed back to back;
- D.** On any location at the corner of any public way and with a radius of one hundred and fifty (150) feet from the point where the center lines of such ways intersect;
- E.** Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight (8) feet or a height of four (4) feet;
- F.** Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twenty-five (25) feet or a height of twelve (12) feet;

- G.** In any event if such billboard, sign or other advertising device shall exceed a length of fifty (50) feet or a height of twelve (12) feet; except that the Select Board may permit the erection of billboards, signs or other advertising devices which do not exceed forty (40) feet in length and fifteen (15) feet in height if not nearer than three hundred (300) feet to the boundary line of any public way.
- H.** No billboard, sign, or other advertising device shall be erected, displayed or maintained in any residence district or in any block in which one-half or more of the buildings on both sides of the street are used partially or wholly for residential purposes, or in any Planned Unit Development district.
- I.** No billboard, sign, or other advertising device shall be erected, displayed or maintained until a license has been issued by the Select Board. Upon receipt of an application for a license to erect, display or maintain a billboard within the limits of the Town, the Select Board shall hold a public hearing on said application in the Town, notice of which shall be given by posting the same in three or more public places in said Town at least one week before the date of such hearing, or by publication in a local newspaper of general circulation in the Town at least one week before the date of the public hearing. A written statement as to the results thereof shall be forwarded to the applicant containing, in the event of a disapproval of such application, the reasons therefor, within thirty days from the date of submission of the application to the Select Board.
- J.** Signs erected by a person, town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet are hereby referred to as "notices" and are exempt from the provisions of this article of the Town Bylaws subject to Select Board regulations of "The Display of Notices" to be promptly promulgated by the Select Board upon the passage of this section.

Section 2 Signs Related to Premises

This By-Law shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter.

Section 3. Fines for Violations

Whoever violates any of the provisions of this By-Law shall be punished by a fine of not more than one hundred dollars (\$100), and whoever, after conviction for such violation unlawfully maintains such billboard, sign or other outdoor advertising device for twenty (20) days thereafter shall be punished by a fine of not more than five hundred dollars (\$500).

Section 4. Severability Clause

If any provision of this By-Law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme judicial Court of the Commonwealth, the validity of the remaining provisions of this By-Law shall not be affected thereby.

**ARTICLE 2
JUNK CARS****Section 1. Restrictions on Use**

(ART. 31, ATM – 05/03/93) (ART. 9, ATM – 04/24/00)

Notwithstanding any other provision of the Bylaws to the contrary, no person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition, whether attended or not, in open view upon any private property within the Town for a period of time in excess of ten (10) days except as same may be permitted by the provisions of Section 5.04, the Table of Use Regulations of the Arlington Zoning Bylaw.

Section 2. Enforcement and Fines

(ART. 45, ATM – 05/12/97)

Violations of this section will be punished by a fine of \$50, each and every day that the violation exists to be considered a separate offense.

ARTICLE 3

OPEN EXCAVATIONS

Owners of land which has been excavated shall be required to erect barriers or take other suitable measures to protect persons from damages incident thereto, within five days after such owners have been notified in writing by the Select Board, that, in their opinion, such excavation constitutes a hazard to public safety. The penalty for violation of this By-law shall not exceed two hundred (\$200) dollars.

ARTICLE 4 SMOKING RESTRICTED

Section 1. Definitions

As used herein "smoking" shall include carrying a lighted cigarette, cigar, pipe, or other tobacco product.

Section 2. Smoking Restricted in Certain Buildings

No person, whether an owner, proprietor, manager, employee, patron, visitor, or customer, shall be permitted to smoke in any supermarket, grocery store, or other retail food store which is designed and arranged to display and sell food products for consumption off the premises by the general public; provided, however, that nothing herein shall prevent smoking in specially designated and properly ventilated areas within the aforementioned premises segregated from both the areas in which food is handled and the areas necessarily used by general shoppers.

The foregoing prohibition shall not be applicable to restaurants, delicatessens, or any other establishment which are designed and arranged to sell food for consumption or use on the premises and which derive a substantial proportion of their income therefrom.

Section 3. Smoking Prohibited in Elevators

No person shall smoke in any elevator accessible to the public.

Section 4. Smoking Prohibited in Certain Buildings

(ART. 29, ATM – 05/05/93)

No person shall smoke in any town owned building, or in any lecture hall, classroom, library, theater, motion picture theater, opera house or concert hall.

Section 5. Posting "No Smoking" Signs

Every person having control of premises upon which smoking is prohibited by this By-Law, or their agent or designee, shall conspicuously display upon the premises a sign reading "Smoking Prohibited by Law".

Section 6. Fine for Violation

(ART. 29, ATM – 05/05/93) (ART. 45, ATM – 05/12/97)

Any person who violates any provision of this bylaw, (Title V, Article 4) shall be subject to a fine of \$20.

**ARTICLE 5
SELF SERVICE GAS DISPENSING**

Section 1. Restriction on Sale

No filling station shall allow the pumping of gasoline for retail sale by any person other than an authorized attendant employee of said filling station.

Section 2. Customer Pumping Prohibited

No attendant at any gasoline station shall permit any non-employee to pump gasoline or engage in any distribution of gasoline within the station.

**ARTICLE 6
RETAIL FOOD STORES, COMMON VICTUALLERS,
AND FOOD VENDORS**

Section 1. Hours of Sale

No person shall, except as hereinafter provided, sell any food at retail between the hours of 1:00 A.M. and 5:00 A.M.

No store or place of business engaged in the retail sale of food shall, except as hereinafter provided, be open for transaction of retail business between the hours of 1:00 A.M. and 5:00 A.M.

Section 2. Food Defined

The term food used in this By-Law shall include any article or commodity, however stored or packaged, intended for human consumption.

Section 3. Application

This Article shall apply to the sale of food when such sale is by a common victualler licensed under Chapter 140 of the General Laws.

Section 4. Violations and Penalties

Violators of Sections 1-3 of this Article shall be subject to a fine of \$50. for each violation. For purposes of Sections 1-3 of this Article, every calendar day on which a store shall remain open shall be deemed a separate offense, and each separate sale of food shall be deemed a separate offense. In the event of sale of several items at one time to one customer, only one sale shall be deemed to have taken place.

Section 5. Food Vendors License

- A. License Required** No person shall offer food for sale to the public in a food service establishment, as hereinafter defined, unless licensed as a Common Victualler or an innholder under the provisions of c.140 of the General Laws, without first obtaining a Food Vendor's License under the provisions of this by-law. Any person who violates this section shall be liable to a fine of \$50. per violation. Each day of operation without a Food Vendor's License shall constitute a separate violation.
- B. Food Service Establishment Defined** Food service establishment shall include any fixed or mobile place, structure or vehicle, whether permanent, transient, or temporary, private, public, or non-profit, routinely serving the public; or any other eating and drinking establishment or place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere.
- C. Application** Each applicant for such license shall submit, on forms to be provided by the Select Board, the following information: name and address of applicant, name and address of place of business, evidence, in form satisfactory to the Select Board, that the applicant has upon the premises the necessary implements and facilities for cooking, preparing and furnishing food to the public, and such other information as the Select Board shall require.

The Select Board may require applicants to submit detailed plans and specifications showing, if any, the location of fixtures and other facilities and the general arrangement of the premises, including, in the case of applications for premises not yet completed, estimates of the cost of the proposed arrangement and of the facilities indicated on the plan.

The Select Board may require detailed plans for ongoing upkeep and maintenance consistent with standards necessary for sanitation and safety. Such plans shall include a listing of facilities for cleaning of all utensils, refrigerator and food storage areas.

In the event of a proposed sale of a business requiring a Food Vendor's License or a Common Victualler's License, an application for a transfer of either of said licenses will be deemed to be an application for a new license, subject to the rules and regulations herein contained, and the owner of such business shall be required to file with the Select Board a thirty day notice of their intention to sell same before such application will be acted upon by the Select Board.

- D. Discretion of Select Board** Such license shall not be issued or be valid until it has been signed by a majority of the Select Board. The Select Board may refuse to grant such a license if, in their opinion, the public good does not require it. The Select Board are authorized to decline to issue a license when in the Board's judgment, based upon good and sufficient reason, said issuance would not be in the best interests of the Town.

- E. Term of License** Food Vendors Licenses shall be valid for a term of one year from the first day of January until the 31st day of December. A non-refundable fee of \$50.00 shall be submitted with the application for such license. Any license issued during the year shall expire on the 31st day of December and the fee shall not be prorated. The Select Board may, in their discretion, suspend the requirement of the fee for schools, hospital, church, municipal, civic or fraternal organizations.
- F. License Revocation** If, in the opinion of the Select Board, a licensee ceases to be engaged in the activity licensed hereunder, or fails to maintain upon the premises on which such activity is licensed the implements and facilities required by this By-Law, the Select Board shall immediately revoke the license. If the licensee at anytime conducts the licensed business in an improper manner, the Select Board, after notice to the licensee and public hearing may, upon satisfactory proof thereof, suspend or revoke the license.

ARTICLE 7
BOARDED-UP WINDOWS IN
COMMERCIAL PROPERTIES
(ART. 20, ATM – 04/29/92)

First floor windows in buildings designed for or in non-residential use, shall not be covered or temporarily replaced by boards or similar materials for a period longer than seven days. Properties which have been damaged by fire or other cause such that the property is unable to be used and therefore must be secured for public safety may be excepted from the seven day limit by the Building Inspector.

This section is not intended to apply to windows which are boarded up because of more extensive structural damage to the building which prevents the replacement of the window(s). Violations of this section shall be punishable by a fine of not less than \$25.00 nor more than \$50.00. Each day in excess of the seven day period shall be deemed a separate violation.

ARTICLE 8 WETLANDS PROTECTION

SECTION 1. PURPOSE *(ART. 77, ATM – 05/15/00)*

The purpose of this Wetlands Protection Bylaw is to protect the wetlands, water resources, and adjoining land areas in Arlington by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to, the following: public or private water supply, ground water supply, flood control, erosion control and sedimentation control, storm damage prevention, other water damage prevention, prevention of pollution, protection of surrounding land and other homes or buildings, wildlife protection, plant or wildlife habitat, aquatic species and their habitats, and the natural character or recreational values of the wetland resources (collectively, the "resource area values protected by this Bylaw"). This Bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. c. 131, § 40) and Regulations thereunder (310 CMR 10.00).

SECTION 2. JURISDICTION

Except as permitted by the Conservation Commission or as provided in this Bylaw, no person shall remove, fill, dredge, discharge into, build upon, degrade or otherwise alter any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, river, stream, creek, pond, reservoir, or lake, or any bank to said waters, or any land under said waters, or any land bordering thereon or riverfront area as hereinafter defined, or any land subject to flooding or inundation (collectively, "the resource areas protected by this Bylaw" or "resource areas").

SECTION 3. EXEMPTIONS

The application procedure and permit required by this Bylaw shall not apply to emergency projects necessary for the protection of health and safety of the public provided that: the work is to be performed by or has been ordered to be performed by an agency of the commonwealth or a political subdivision thereof; advanced oral or written notice has been given to the Commission prior to commencement of work or within 24 hours after commencement of said work; the Commission or its agent certifies the work as an emergency project; the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; the work not be undertaken for a period of more than 30 days; and within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by the Bylaw.

Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures, or take enforcement action.

SECTION 4. APPLICATION FOR AND ISSUANCE OF DETERMINATION OF APPLICABILITY OR PERMIT

Each Request for Determination of Applicability, Notice of Intent or other appropriate application shall be submitted in writing on the application form and in a manner specified by the Commission and accompanied by a filing fee to be determined in accordance with the fee schedule in Section 15 of this Bylaw, payable to the "Town of Arlington". The application shall include such information and plans as are deemed necessary by the Commission to describe the proposed activities and their effect on the resource areas and resource area values protected by this Bylaw. No activity shall commence without receiving and complying with a permit or determination of applicability or other decision issued by the Commission pursuant to this Bylaw.

Upon submitting any such application to the Commission, the applicant grants the Conservation Commission and its agent(s), permission to enter upon land, at reasonable times, on which the proposed work is to be done without liability of any kind for the purpose of performing any duties in connection with this Bylaw. If the applicant is not the owner of said land,

the applicant shall obtain and furnish to the Commission such permission in writing from the owner(s) of said land.

Such Notice of Intent or Request for Determination of Applicability or other appropriate application may be submitted before any or all permits, variances and approvals required by the Zoning Bylaw or by the Board of Survey or by the Regulations of the Arlington Redevelopment Board thereunder have been obtained.

The Commission may combine the permit or determination of applicability or other action on an application issued under this Bylaw with an Order of Conditions or Determination of Applicability or other action issued by the Commission under the Wetlands Protection Act.

A. DETERMINATION OF APPLICABILITY

Upon written request of any person (known as a "Request for Determination of Applicability"), the Conservation Commission shall hold a public hearing within 21 days to make a determination as to whether this Bylaw is applicable to any land or work thereon which is the subject of such request, and within 21 days of the close of said hearing shall issue a written determination (known as a "Determination of Applicability").

Where such person making a request for determination of applicability is other than the owner of the subject land, notice of any such request for determination shall be sent to the owner(s) of said land by the person making such request; such person shall certify in writing to the Commission that the land owner(s) has received such notification.

A Determination of Applicability shall be valid for three years from date of issuance and may not be extended or renewed.

B. NOTICE OF INTENT & PERMIT

No person shall remove, fill dredge, build upon, degrade or otherwise alter any of the resource areas protected by this Bylaw without first filing, by certified mail, a written Notice of Intent to do so, and, without receiving and complying with a Permit issued by the Commission, unless the Commission has determined that this Bylaw does not apply to such work. The Notice of Intent shall include such information and site plans and location plans as may be necessary in

the full discretion of the Commission to fully describe and ascertain such proposed activity and its affect on the resource areas and resource area values protected by this Bylaw.

Within 21 days of receiving a Notice of Intent, the Commission shall hold a public hearing on said application.

If the Commission after a public hearing determines that the area(s) on which the proposed work which is subject of the application is likely to individually significantly harm or cumulatively effect the resource area values protected by this Bylaw, the Commission shall, within 21 days of the close of the hearing, issue or deny a permit for such work. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The conditions may include a condition that certain land or portions thereof not be built upon or altered, filled or dredged, and that streams not be diverted, dammed or otherwise disturbed. The Commission may deny a permit for failure to meet the requirements of this Bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards or other requirements in regulations or policies of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values of this Bylaw; or where no conditions are adequate to protect said values.

To prevent resource area loss, the Commission shall require applicants to avoid resource area alteration wherever feasible; shall minimize resource area alteration; and, where alteration is unavoidable, shall require full mitigation.

The Commission may authorize or require replication of resource area as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

Riverfront area as defined herein and land bordering on any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, river, stream, creek, pond, reservoir, or lake (hereinafter "bordering land")

are presumed to be important to the protection of these resources because activities undertaken in close proximity to these resource areas have a high likelihood of adverse impact upon the resources, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat.

The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 200-foot riverfront area or bordering land.

In the review of activities proposed in riverfront area or bordering land, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this Bylaw or regulations hereunder, has proven by a preponderance of the evidence that (1) there is no practicable alternative to the proposed work or project with less adverse effects, and that (2) such activity, including proposed mitigation measures, will have no significant adverse impact on the resource areas or resource area values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial purpose), logistics, existing technology, costs of the alternatives, and overall project costs.

A permit shall expire three (3) years from the date of issuance. A permit may be renewed for up to three years, provided that a request for a renewal is received in writing by the Commission not less than 30 days prior to expiration. The Commission may deny the request for an extension and require a new Notice of Intent in the following circumstances:

1. where no work has begun on the project;
2. where new information, not available at the time the permit was issued, has become available and indicates that the permit is not adequate to protect the resource area values protected by this Bylaw;
3. where incomplete work is causing damage to the resource area values protected by the Bylaw; or,

4. where work has been done in violation of the permit.

The Commission may impose additional or more stringent conditions as a result of a hearing conducted by it pursuant to the provisions of this Bylaw than it may impose pursuant to the General Laws, Chapter 131, Section 40 (known as the Wetlands Protection Act).

The Commission may require from an applicant filing a Notice of Intent pursuant to this Bylaw additional materials or data than is required pursuant to an application filed under General Laws, Chapter 131, Section 40.

For good cause the Commission may revoke or modify a permit issued under this chapter after public notice and public hearing and notice to the permit holder. Good cause shall include, but not be limited to, failure of an applicant to comply with the conditions of a permit.

SECTION 5. PUBLIC HEARING
(ART. 57, ATM – 06/19/02)

Notice of the time and place of a public hearing on any appropriate application specified in this Bylaw shall be given by and at the expense of the applicant, not less than five days prior to such hearing, by publication in a newspaper of general circulation in Arlington, and by delivering or mailing a notice thereof to the applicant, to the Town Manager, Select Board, Town Clerk, Planning Department, Town Counsel, Department of Public Works, Town Engineer, Zoning Board of Appeals, Board of Health, Building Inspector, Redevelopment Board and to such other persons as the Conservation Commission may determine (i.e., abutters).

The Conservation Commission may hold concurrent hearings under this Bylaw and the Wetlands Protection Act (M.G.L. c. 131, s.40).

SECTION 6. APPLICANT'S OBLIGATION

The applicant shall have the burden of proving by a preponderance of the credible evidence from a competent source that the work proposed in the Request for Determination of Applicability or Notice of Intent will not have a significant or cumulative effect upon the resource area values protected by this Bylaw.

Failure to provide to the Commission adequate evidence or information for it to determine that the proposed work does not cause harm to the interests

sought to be protected by this Bylaw shall be sufficient cause for the Conservation Commission to deny such permit or to grant such permit with such conditions as it deems reasonably necessary or desirable to carry out the purposes of this Bylaw, or to postpone or continue the hearing to another date certain to enable the applicant and others to present additional evidence, upon such terms and conditions as seems to the Commission to be just.

Due consideration may be given to any hardship demonstrated at the hearing, other than financial, on the part of the applicant by reason of denial or continuance of the hearing.

The Conservation Commission may require that plans, calculations, or other information prepared as part of a Request for Determination of Applicability or Notice of Intent be prepared by a qualified professional when, in the Commission's judgment, the complexity of the proposed activity so warrants.

SECTION 7. REQUIREMENTS RUN WITH LAND

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any order issued under this Bylaw shall forthwith comply with any such order to restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three years following the recording of the deed or the date of the death by which such real estate was acquired by such person. The Town Manager and the Select Board shall, upon request of the Conservation Commission, instruct Town Counsel to take such legal action as may be necessary to restrain a violation of this Bylaw, and enforce the orders of the Conservation Commission hereunder, and the Town Counsel shall forthwith comply with such instructions.

SECTION 8. RULES AND REGULATIONS OF THE COMMISSION

The Conservation Commission shall promulgate after due notice and public hearing Rules and Regulations to effectuate the purposes of this Bylaw. However, failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

SECTION 9. DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this Bylaw:

- A. "Abutter" shall mean the owner of any land within 100 feet if the property line of the land where the activity is proposed, as determined by the most recent assessors' records including any land located directly across a street, river, stream or pond, or municipal boundary.
- B. "Alter" shall mean to change the conditions of any area subject to protection by this Bylaw and shall include but not be limited to one or more of the following actions upon the resource areas protected by this Bylaw:
 - 1. fill, removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
 - 2. changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood storage retention areas;
 - 3. drainage, disturbance or lowering of the water level or water table; the dumping, discharging or filling with any material which could degrade the water quality;
 - 4. driving of pilings, erection of buildings or structures of any kind;
 - 5. placing of any object or obstruction whether or not it interferes with the flow of water;
 - 6. destruction, extensive trimming, or removal of natural or planted plant life, vegetation, or trees; changing of water temperature, biochemical oxygen demand and other natural characteristics of the receiving water;
 - 7. any activities, changes or work which pollutes any stream or body of water, whether located in or out of the Town of Arlington;
 - 8. application of pesticides and herbicides; or
 - 9. any activity, change or work with adversely effects groundwater or drinking water supply.
- C. "Applicant": shall mean a person filing a Request for Determination of Applicability or Notice of Intent. "Banks" shall be defined as the

portion of the land surface which normally abuts and confines a water body, often between the mean annual low flow level and the first observable break in the slope or the mean annual flood level, whichever is lower;

D. "Bordering" shall be defined to include any land within either of the following or the greater thereof:

1. 100 feet horizontally lateral from the edge of any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, river, stream, creek, pond, reservoir, or lake; or pond, reservoir, or lake; or
2. within the maximum lateral extent of the water elevation of the statistical 100 year frequency storm.

E. "Cumulative Effect" shall mean an effect that is significant when considered in combination with other activities that have occurred, are going on simultaneously, or that are likely to occur, whether such other activities have occurred or are contemplated as a separate phase of the same project, such as the build-out of a subdivision or an industrial par, or unrelated but reasonably foreseeable actions, including other development projects that are currently under construction, under review or that may be expected to come forward.

F. "Groundwater" shall mean all subsurface water contained in natural geologic formations or artificial fill including soil water in the zone of aeration. Activities within 100 feet of resource areas shall not significantly alter the existing quality or elevation of naturally occurring groundwater.

G. "Land subject to flooding or inundation" shall mean the land within the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm; said boundary shall be determined by reference to the most recently available flood profile data prepared for Arlington within which the work is proposed under the Natural Flood Insurance Program ("NFIP").

Where NFIP data are unavailable or outdated, the boundary of said land shall be based on the maximum lateral extent of flood water which has been observed or recorded, or other evidence presented and

- considered by the Commission. Said land shall also include isolated areas which frequently or seasonably hold standing water; such areas may or may not be characterized by wetland vegetation or soil characteristics.
- H. "Marsh", "freshwater wetland", "swamp", "wet meadow", "bog" shall mean that as defined in General Laws Chapter 131, Section 40 or Regulations thereunder (310 CMR 10.00).
- I. "Permit" shall mean the document issued by the Conservation Commission pursuant to this Bylaw which allows work in accordance with conditions set by the Commission in the resource areas protected by this Bylaw.
- J. "Person" shall include any individual, group of individuals, associations, partnerships, corporations, business organizations, trust, estate, Commonwealth of Massachusetts when subject to Town Bylaws, any public or quasi-public corporation or body when subject to Town Bylaws or any other legal entity, including the Town of Arlington or its legal representative, agents or assigns.
- K. "River" shall mean any natural flowing body of water that empties to any ocean, lake, pond, reservoir, or other river.
- L. "Riverfront Area" shall mean the area of land between a river's mean annual high water line and a parallel line measured 200 feet horizontally landward of the mean annual high water line.
- M. "Wildlife Habitat" shall mean the area necessary to provide breeding or nesting habitat, shelter, food and water for any animal species.

Additional Definitions: The Conservation Commission may in its rules and regulations provide such other definitions, or terms used in this Bylaw, as it deems useful in order to administer or carry out its obligations under this Bylaw. Except as otherwise provided in this Bylaw or in regulations of the Commission, the definitions of terms in this Bylaw shall be set forth in the Wetlands Protection Act (G.L. c. 131, §40) and Regulations (3.10 CMR 10.00).

SECTION 10. BONDS AND COVENANTS

The Conservation Commission may, as part of a permit allowing work, require, in addition to any security required by any other town or state Board, Commission, agency or officer, that the performance and observance of the conditions imposed hereunder be secured by one, or in part by one and in part by the other of the methods described in the following clauses A and B:

- A. By a proper bond or deposit of money or negotiable securities, sufficient in the opinion of the Conservation Commission to secure performance of the conditions and observance of the safeguards of such permit.
- B. By a covenant, executed and duly recorded by the owner of record, running with the land, whereby the conditions and safeguards included in such permit shall be performed before any lot may be conveyed other than by mortgage deed.

**SECTION 11. BOND TO SECURE CORRECTIONS OF
FLOODING CONDITIONS
(ART. 16, ATM – 04/24/02)**

The Conservation Commission shall require that any developer proposing to build a structure exceeding 6,000 sq. ft. in area, which structure lies within 200 yards of an existing stream or wetland be required to post a proper bond, deposit of money or negotiable securities in lieu thereof, sufficient in the opinion of the Commission to secure performance of such measures determined by the Commission as necessary to correct any flooding condition on the site of the proposed development that existed prior to the construction of same or is likely to result as a consequence of the construction. The Commission shall insure that the bond shall be in effect for a minimum of five years.

SECTION 12. PENALTIES FOR VIOLATIONS/ENFORCEMENT

Whoever violates any provision of this Bylaw shall be punished by a fine of not more than \$300.00. Each day or portion thereof of continuing violation shall constitute a separate offense. This Bylaw may be enforced by any Town Police Officer or other office having police powers.

The Commission shall have the authority to enforce this Bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and criminal court actions.

In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in MGL C. 40, Sec. 21D.

SECTION 13. JUDICIAL REVIEW

Any request for judicial review of the Commission's decision on any Permit or Request for Determination of Applicability pursuant to this Bylaw must be filed within sixty days from the issuance of or decision to not issue the Permit or Determination. Failure to do so shall constitute a waiver of such judicial review.

SECTION 14. SEVERABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Permit which has previously become final.

SECTION 15. RELATION TO WETLANDS PROTECTION ACT

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the Wetlands Protection Act, General Laws c. 131 Section 40, and regulations thereunder.

SECTION 16. FEE SCHEDULE

A. Rules:

1. Permit fees are payable at the time of application and are nonrefundable.
2. Permit fees shall be calculated by this department per schedule below.
3. Town, County, State, and Federal projects are exempt from fees.

4. Failure to comply with the law after official notification shall result in fees twice those normally assessed.
5. These fees are in addition to any required under the Wetlands Protection Act, G.L. c. 131, s. 40, or its regulations.

B. Fees: (*ART. 57, ATM – 06/19/02*) (*ART. 57, ATM – 06/19/02*)

1. Minor project (house addition, tennis court, swimming pool, utility work, etc.) \$100.
2. Maintenance activity; work in, on or affecting any body of water, wetland or floodplain \$100.
3. Single-family dwelling \$400.
4. Subdivisions (road and utilities only) \$400 + \$2/ft. of roadway sideline within 100' of resource areas or within land subject to flooding.
5. Multiple dwelling structures \$400 + \$100 per unit all or part of which lies within 100 ft. of wetlands or within land subject to flooding.
6. Commercial and Industrial Projects

\$500. + \$.50/sq. ft. wetland disturbed \$.02/sq. ft. land subject to flooding or 100 ft. buffer disturbed.
7. Extensions of Permits
 - a. Single family dwelling or minor project \$100.
 - b. Other. \$150.
8. Refilings of previously denied projects within 3 years original fee or \$1,000, whichever is less.
9. Request for Determination \$75.

10. Fees for Request for Amendments a fee of \$300 or 50% of the original filing fee, whichever is less, will be submitted at the same time as a request for amendment/Changes is presented to the Conservation Commission.
11. Consultant Fee Upon receipt of a Notice of Intent, Abbreviated Notice of Resource Area. Delineation, or Request for Determination of Applicability, or any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. The fee is called the "consultant fee."

The specific consultant services may include, but are not limited to, performing or verifying the accuracy of a resource area survey and delineation, Analysis of resource area functions -- including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. Failure by the applicant to pay the Consultant Fee specified by the Commission within five (5) business days of the request for payment shall be cause for the Commission to deny issuance of a permit or other requested action.

The applicant shall pay the fee to be put into a revolving fund, which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings. The consultant shall be chosen by, and report only to, the Commission or its designee.

The exercise of discretion by the Commission in making its determination to require payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary.

Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provision of the Massachusetts General Laws.

The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to one of the following schedules whichever is greater:

<u>Project Cost</u>	<u>Maximum Fee</u>
UP TO \$100,000	\$ 3,000
\$100,001 -- \$500,000	\$ 4,500
\$500,001 -- \$1,000,000	\$10,000
\$1,000,001 -- \$1,500,000	\$15,000
\$1,500,001 -- \$2,000,000	\$20,000

Each additional \$500,000 project cost increment over \$2,000,000 may be charged at an additional \$4,500 maximum fee per increment.

The project cost means the estimated, entire cost of the project, including, but not limited to, project design, building construction, site preparation, landscaping, and all site improvements.

<u>Project Site Size</u>	<u>Maximum Fee</u>
Up to 1 acre	\$3,000
1 to 2 acres	\$4,500
2 to 10 acres	\$10,000
10 acres and above	\$10,000 plus \$2,000 per acre for each acre above 10 acres

The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

SECTION 17. VARIANCE

(ART. 5, STM – 05/14/03) (ART. 31, ATM – 05/05/04)

The Commission may vary any provisions of this bylaw or regulations promulgated thereunder relating to providing compensatory storage for flood storage volume that will be lost as a result of a proposed project within a flood plain when strict adherence thereto would constitute a substantial hardship on the applicant. The Commission may not issue a variance when to do so would derogate in a substantial way from the overall purpose of this bylaw. Notwithstanding the foregoing, the Commission may not issue any variance the effect of which would be to advance or in any way facilitate the building of any above-ground structures, except for minor recreational improvements (such as bleachers, lighting, and scoreboards). The effective date of this section shall be as provided in Section 32 of Chapter 40 of the General Laws.

ARTICLE 9**PLACEMENT OF DUMPSTERS**

(ART. 3, STM – 11/30/88) (ART. 24, ATM – 05/04/92)

(ART. 18, ATM – 05/09/11)

No dumpster or portable storage container shall be utilized within the Town unless and until the Select Board has issued a permit for same. The fee for each permit shall be \$24.00. The Select Board is authorized from time to time to adopt and amend Rules and Regulations relating to the existence of dumpsters and portable storage containers which shall take into account various appropriate considerations, including but not limited to, positioning and enclosure so as to maximize aesthetic concerns, i.e., odor, noise, unsightliness; character of the neighborhood, traffic and other public safety concerns, and hours of use.

Dumpster shall be considered to be any outside container utilized for the collection for disposal of discarded or rejected materials including but not limited to rubbish and garbage, being either intended for a temporary or

more or less permanent duration. Portable Storage Container is any outside container temporarily placed at or in front of a private residence or business for the packing and/or storage of items of personal property, goods, or materials. Failure to secure a permit or violations of regulations promulgated hereunder shall make the owner on whose land the dumpster or portable storage container is placed subject to a fine of not more than \$48.00, each day that a violation continues to be considered a separate offense.

ARTICLE 10
YARD SALES
(ART. 28, ATM – 05/03/93)

Section 1. Policy

It is the intent of the Town that no more than two yard sales per calendar year or garage sales per calendar year per address are permitted.

Section 2. Reporting

The police will investigate all complaints of yard or garage sales and file a report according to established standard police department reporting procedures.

Section 3. Time Certain Discontinuance

No sale shall continue in operation after 4:00 P.M. All unsold items or other objects associated with the sale will be stored out of public view by said time. Violations of this section shall be punishable by a fine of \$50.

Section 4. Enforcement

If it can be substantiated by said police records that a person or persons are attempting to conduct a third sale at a given address, the police will order that the sale be shut down immediately. Persons who fail to do so or attempt to re-establish a sale at a later time are subject to a fine of \$200.

ARTICLE 11
ELEVATOR MAINTENANCE
(ART. 26, ATM – 05/04/98)

In any multiple dwelling unit building all elevators shall be maintained and serviced so as to be available for use by the residents of the building. If an elevator becomes unavailable for use for a period in excess of 48 hours the record owner of said building shall be deemed in violation of this section

unless an explanation for such non-availability is given in writing satisfactory to the Building Inspector.

The record owner of the building in question shall be subject to a fine of \$200 per day each and every day to be considered a separate violation. The Building Inspector shall be the enforcing person for this provision.

ARTICLE 12

NOISE ABATEMENT

(ART. 19, ATM – 06/20/05), (ART. 38, ATM – 05/05/10)

(ART. 25, ATM – 05/14/12)

(ART. 2, STM – 04/24/13)

(ART. 14, ATM - 04/24/17)

(ART. 3, STM 02/12/18)

Section 1. Definition.

Except as may be otherwise specified in this Section, all acoustical terminology used in this Article shall have the meaning stated in American National Standard Acoustical Terminology [ANSI S1.1-1998 (R2004) or as it may be revised.]

For purposes of this Article the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Construction.

Any activity requiring a building permit and any and all activity necessary or incidental to the erection, assembling, altering, installing, repair or equipping of buildings, roadways, or utilities, including demolition, land clearing, grading, excavating, and filling and paving.

DB(A).

The A-weighted sound level in decibels, as measured by a type I or II sound level meter complying with the provisions of Specifications for Sound Level Meters [(ANSI S1.4-1983 (R2001) with amendment S1.4A-1983 or as it may be revised], American National Standards Institute (ANSI), properly calibrated, and operated on the “A” weighting network, slow setting.

Demolition.

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Domestic Power Equipment.

Electrical, battery or generator powered equipment intended for use in residential areas by a homeowner. Examples include but are not limited to chain saws, log splitters, power saws, drills, grinders, lawn and garden tools.

Emergency.

An occurrence or set of circumstances requiring immediate action involving

- a. the restoration of public utilities or
- b. the restoration of property to a safe condition following a public calamity or
- c. the protection of persons or property from imminent exposure to danger.

Emergency work.

Work which is performed in an effort to alleviate an emergency.

Emergency Vehicle.

Any vehicle being operated as part of emergency work.

Heavy Equipment.

Commercial or industrial equipment such as motorized earth moving equipment, jack hammers, pavement breakers, pile drivers, trucks for loading and unloading dumpsters, tractor-trailers, and parking lot maintenance equipment.

Pavement Breaker.

Any hydraulically or pneumatically powered impact device intended to cut or trench pavement, subbase macadam, gravel, concrete, or hard ground.

Person.

Any individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties, including the Town, its agencies and departments and any person, as herein defined, operating under a contractual arrangement or agreement with the Town.

Pile Driver.

An impact device designed or used for the driving of piles, columns and other supports into soil or other material by means of impact, vibrations, pressure, or other means.

Section 2. Exceptions.

The provisions of this Article shall not apply to:

- A. Emergency Alert. The emission of sound for the purpose of alerting persons to the existence of an emergency or as otherwise specifically permitted by the provisions of this Article.
- B. Emergency Work. The emission of sound in the performance of emergency work.
- C. Public Speakers. Public speaking and public assembly activities except those activities otherwise regulated by this Article.
- D. Activities with Permits. Events and activities (other than construction work) for which proper permits or licenses have been issued.
- E. Emergency Vehicles.
- F. Snow Removal. The emission of sound for the purpose of clearance or removal of snow.
- G. Explosives. The emission of sound resulting from the use of explosives when authorized by the Arlington Fire Department in accordance with Board of Fire Prevention Regulations 527 CMR 13 and other relevant regulations and statutes of the Commonwealth of Massachusetts.
- H. Religious Uses. Devices used in conjunction with places of religious worship.
- I. Town Horn. The sounding of the Town Horn.
- J. The intermittent or occasional use, during the daytime (as defined in Section 3, Subsection A), of homeowner's domestic power equipment. other than leaf blowers powered by internal combustion engines, which shall be subject to the restrictions set forth in Section 3(D), below. (*ART. 2, STM – 04/24/13*)

Section 3. Daytime-Only Activities.

The following acts are specifically prohibited.

A. Prohibited Times. Operating, or permitting the operation of any of the following devices or vehicles.

1. before 9:00 a.m. or after 5:00 p.m. on Saturday, Sunday or legal holiday
2. before 8:00 A.M. or after 6:00 P.M. on all other days:
 - a. Heavy equipment (as defined in Section 1), and
 - b. All electric motors or internal combustion engines, or other construction devices, tools or equipment, used in construction, drilling, demolition, maintenance, or earth moving, including but not limited to bulldozers, backhoes, concrete mixers, dump trucks, pneumatic tools, rollers, scrapers, air compressors, generators, jackhammers, cranes, pavement breakers, pile drivers, rock drills, and chainsaws.

3. Authorized Exemptions for Public and Private Way Projects
(ART. 3, STM – 04/12/18)

- a. Arlington Department of Public Works, public utilities, and/or their contractors may perform non-emergency work in and/or on public and private ways within the Town of Arlington outside of the operating hours set forth in this Section with the permission of the Town Manager.
- b. The exemptions enumerated above shall not extend to non-emergency work on any other type of public or private property by such entities.

B. Loudspeakers. Operating or causing to be operated a public address loudspeaker, whether mobile or stationary, after 9:00 P.M. or before 8:00 A.M.

C. Bug Zappers. Operating or causing to be operated after 10 P.M. or before 7 A.M. (8 A.M. on Saturday, Sunday, or a legal holiday) any electronic device for killing, trapping, or repelling insects or other pests if such device emits audible sound beyond the line of the property on which the device is located. (*ART. 38, ATM – 05/05/10*)

D. Use of Leaf Blowers Powered By Internal Combustion Engines

1. For purposes of Paragraphs 1-5 of this subsection, the term, “leaf blowers” shall mean “gas-powered leaf blowers used for commercial or municipal purposes.”

2. The use of leaf blowers is prohibited between June 15th and September 15th except in accordance with the following restrictions, which shall not apply to the use of leaf blowers to perform emergency operations or for clean-up associated with storms, hurricanes and the like:

(a) The use of leaf blowers is prohibited on:

(i) Sundays and legal holidays;

(ii) Mondays through Fridays except between the hours of 7:30 a.m. and 5:30 p.m.; and

(iii) Saturdays except between the hours of 8:00 a.m. and 4:00 p.m.

(b) No more than one leaf blower may be used on any lot of 6,000 square feet or smaller. One additional leaf blower may be used for each additional 6,000 square feet or portion thereof comprising one lot.

(c) Leaf blowers may be used for no more than 30 minutes at a time with shut down time of 15 minutes in between operation.

3. At no time shall any leaf blower be used in such a way as to permit the distribution of leaves, dust, or other debris beyond the vertically extended lines of the property on which the leaf blower is being used.

4. Leaf blowers shall at all times be operated at the lowest possible practical speed necessary to accomplish the task for which they are being used.

5. As of June 15, 2014, or one year after the effective date of this Bylaw, whichever is later, no commercial landscaper, commercial landscape company, or other entity engaged in the business of providing home and yard repair, clean-up, and maintenance services for a fee shall use any leaf blower within the Town in the exercise of that business unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 74 dB(A) at 50 feet at full throttle.

(ART. 2, STM – 4/24/13)

6. The restrictions set forth herein shall not apply to homeowners and residents using leaf blowers to perform private home and yard repair, clean-up, and maintenance on residential property they own or control. Such residential use of leaf blowers of any kind shall be subject to Section 3(A) of this Bylaw (“Daytime-Only Activities”).”

Section 4. Maximum Sound Levels.

A. Sound Measurement. When a sound source is located in public spaces, sound measurements shall be made at, and sound level determination made in relation to, any location lawfully accessible to the public.

When the sound source is located on private property, sound measurements shall be made at the boundary line of such property or as close thereto as is feasible.

B. Sound Limitations. No person or persons owning, leasing, or controlling the operation of any source or sources of sound shall permit, either willfully, negligently, or by failure to provide necessary equipment or facilities or to take necessary precautions, the production of sound with a sound level greater than 85 dB(A) at any time, other than sounds associated with construction or maintenance work.

For any sounds above 85 dB(A) associated with construction or maintenance work, the Town Manager or the Town Manager's designee is authorized to require the person to provide noise monitoring equipment, pay for consultants to advise the Town as to feasible alternatives to accomplish the work at lower sound levels, implement any reasonable noise mitigation measures, and/or to impose any reasonable time restrictions on the activity.

Section 5. Penalties.

Any person violating any provision of this Article shall be subject to a fine of \$200.00 for each offense and/or an action in a court of competent jurisdiction, seeking an order to cease and desist from such activity. Each day or part thereof if any violation continues shall constitute a separate offense.

Section 6. Manner of Enforcement.

Violations of this Article shall be prosecuted in the same manner as other violations of the Town By-Laws provided, however, that in the event of an initial violation of the provision of this Article, a written notice shall be given the violator requiring the cessation of the activity. No complaint or further action shall be taken in the event the cause of the violation has been removed, the condition abated or fully corrected upon the receipt of such notice.

In the event the violator cannot be located in order to serve the notice, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the violator at their last known address or at the place where the violation occurred. At the discretion of the Town Manager subject to the approval of the Select Board, repetition of the same offense may result in the immediate filing of a complaint and/or action in a court of competent jurisdiction to cease and desist same.

Section 7. Notification.

The Building Inspector will provide a copy of this bylaw to any individual applying for any permit for work that might involve noise levels subject to this bylaw but their failure to do so will not affect the enforceability of this bylaw.

Section 8. Conflict with other Regulations.

The provision(s) of this Article or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder

of this Article and applicability of such provisions to other persons or circumstances shall not be affected thereby.

ARTICLE 13
HANDICAP PARKING
(ART. 21, ATM – 05/27/05)

Police are authorized to enter on to private property on which the public has a right of access as invitees and/or licensees to enforce handicap and disabled veterans parking violations as if same had occurred on public ways. The penalty for leaving of vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons shall be twenty-five dollars for the first offense and for any second or subsequent offense fifty dollars.

The police may cause such vehicles to be towed at the owner's expense in accordance with applicable state law.

ARTICLE 14
REGULATION OF OUTDOOR LIGHTING
(ART. 17, ATM – 05/16/05- DELETED)
(ART. 8, ATM – 04/28/14)

Section 1. Introduction

It is the intention of this by-law to regulate the use of outdoor lighting so as to not unduly inconvenience and/or disturb residential abutters by having outdoor lighting shining directly into their windows or onto their properties, or by creating observable and unreasonable glare shining into their windows or onto their properties.

This by-law is enacted with the understanding that enforcement shall be based upon any complaint issued by any resident or residential property owner with the Town.

Section 2. Regulation

- a. All outdoor lighting, including but not limited to: floodlighting, decorative lighting, lighting primarily designed to illuminate walks and/or walkways, driveways, flagpoles, outdoor living areas and/or outdoor recreational facilities shall be appropriately continuous, indirect, and installed and/or shielded in a manner that shall prevent

- unreasonably bright light from shining onto or upon any street and/or nearby residential property whether directly or by creating unreasonably bright glare.
- b. The following lighting shall be exempt from the provisions of this by-law:
- i. Temporary holiday lighting.
 - ii. Internally illuminated signs.
 - iii. Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer-term emergency lighting shall, to the largest extent possible, take into consideration the detrimental effects of glare on passing motorists and pedestrians and on residential lots.
 - iv. Lighting during special events such as fairs, concerts, or celebrations sponsored by the Town of Arlington or approved by the Select Board;
 - v. Lighting on playing fields and courts under the jurisdiction of the Town of Arlington;
 - vi. Lighting of historic or architectural significance exempted by a vote of the Arlington Historical Commission.
- c. Lighting installed prior to the enactment of this by-law, as amended, shall be exempt from the provisions of this by-law until April 15, 2015.

Section 3. Enforcement

Enforcement of this by-law shall be under the authority of the Building Inspector. Upon receiving a complaint in writing, from a resident or property owner in the Town, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.

Section 4. Fines & Fees Schedule

- A. First offense: A written warning stating a property owner/resident is in violation: Ten (10) days to meet compliance.
- B. Second offense: \$25.00 Fine. Five (5) days to meet compliance.
- C. Third offense and \$50.00 Fine. Five (5) days to meet compliance before each subsequent offense another \$50.00 fine issues.

ARTICLE 15
STORM WATER MITIGATION
(ART. 10, ATM – 04/25/07)

Section 1. Definitions

- A. “Building footprint” – the outline of the total area covered by a building’s perimeter at the ground level
- B. “Impervious surface” – a hard-surfaced, human-made area that does not readily absorb or retain water, preventing the infiltration of storm water runoff; including but not limited to building roofs, parking and driveway areas, sidewalks, paved recreation areas, structural additions, accessory structures, roads, pools and play areas
- C. “Predevelopment” – the status of a property at the time prior to request for a permit for new construction or increase to the impervious surface area of a lot
- D. “Runoff Rate” – the speed and volume of storm water which flows over the surface of the land
- E. “Runoff” – rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert
- F. “Storm water” – storm water, snow melt; the flow of water which results from precipitation and which occurs following rainfall or snowmelt

Section 2. Applicability

This bylaw is applicable to the following development or redevelopment:

- A. All development of a previously undeveloped vacant lot, resulting in a structure where building footprint and other impervious surfaces exceeds 500 square feet;
- B. Alteration of a developed property resulting in an increase to the impervious area of a lot by more than 350 square feet.

This bylaw shall not apply, however, to the paving of private ways that are owned in common with abutting lot owners, and that serve purposes similar

to that of public ways, and that are not driveways entirely located on a single lot or on multiple lots under the same ownership.

Section 3. Standard

No project subject to this bylaw may increase the surface water runoff rate relative to the predevelopment runoff rate.

Section 4. Procedure

- A. Application: Prior to the issuance of a building permit for any activity subject to this bylaw, a grading and drainage plan shall be submitted to the Engineering Division, consistent with specifications to be developed by the Arlington Department of Public Works. A fee of \$25.00 shall be assessed to cover the costs of review of the plan.
- B. Review: The Engineering Division will review the application, and within 14 days approve, approve subject to conditions, or reject the plan.
- C. Relief: The applicant may request relief when strict adherence to this bylaw can be shown to constitute significant hardship due to unique topographical aspects of the site or due to serious financial hardship. Relief may be granted by the Director of Public Works, after consultation with the Engineering Division which decision shall be made within 14 days after the request for same is made. Further relief from the decision of the Director of Public Works may be sought from the Zoning Board of Appeals, which will make a *de novo* determination after a hearing on the merits. The Zoning Board will convene such hearing within 21 days of a request for relief from the applicant and make a decision within 14 days of the hearing.
- D. Prior to project completion, the Town Engineer or the Engineer's representative shall determine if there has been compliance with the storm water plan; if found to be not in compliance, the applicant will be notified of remaining work to be done; if found in compliance, a certificate of completion will be issued.
- E. Any attempt to occupy the premises by the applicant or anyone else without compliance with the provisions of this bylaw shall

be punishable by a fine of \$200 each day of noncompliance to be considered a separate offense.

Section 5. Administration

- A. The Engineering Division, subject to approval by the Director of public Works and the Town Manager, shall establish administrative procedures for the review and approval of storm water management plans. Failure to promulgate rules and regulations will not have the effect of suspending or invalidating this bylaw.
- B. The Engineering Division shall utilize the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts Department of Environmental Protection's revised Surface Water Discharge Permit Regulations at 314 CMR 3.06(11)(b)5 Storm Water Management Policy for execution of the provisions of this bylaw.

ARTICLE 16**TREE PROTECTION AND PRESERVATION**

(ART. 22, ATM - 05/02/16)(ART. 14, ATM – 04/23/18)

VACANT STOREFRONT MAINTENANCE REGISTRY**Section 1. Findings and Purpose**

The Town of Arlington finds that preservation of the tree canopy and planting of replacement trees is essential to preserving the character and aesthetic appearance of the Town and maintaining quality of life and the environment in the Town. Trees improve air quality, protect from heat and glare, reduce noise pollution, limit topsoil erosion and storm water runoff, provide natural flood control, enhance property values, contribute to the distinct character of neighborhoods, and offer natural privacy to neighbors.

Section 2. Definitions

- A. The following definitions shall apply to this By-law:

“Building Footprint” - Outline the total area covered by a building's perimeter at ground level.

“Caliper” - Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.

"DBH (Diameter at Breast Height)" - Diameter of a tree trunk measured in inches at a height of four and a half (4 1/2) feet above the ground; or, for multiple-trunk trees, the measured in inches at a height of four and a half (4 1/2) feet above the ground; or, for multiple-trunk trees, the aggregate diameters of the multiple trunks at a height of four and a half (4 1/2) feet above ground.

"Demolition" - Any act of destroying, pulling down, removing or razing a building or commencing the work of total or substantial destruction of a building.

"Protected Tree" - Any existing healthy tree on private land with a DBH of ten (10) inches or greater, located in the setback area, which does not pose an immediate hazard to person or property or is not under imminent threat of disease or insect infestation.

"Setback Area" - The Portion of the property which constitutes the minimum depth of side, rear and front yards as per the Zoning Bylaw of the Town of Arlington.

"Tree Fund" - An existing Town account established for the purpose of buying, planting, and maintaining trees in the Town which may receive deposit of contributions in lieu of planting new trees by property owners and fines collected under this By-law.

"Tree Plan" - A site plan drawn and stamped by a certified land surveyor or engineer showing all Protected Trees in the setback areas and indicating, on the site plan or in a separate document, which Protected Trees will be retained, which will be removed, and, as to Protected Trees which will be removed, whether mitigation will be by replacement on the property or by payment into the Tree Fund.

“Tree Removal” - The cutting down of a tree.

"Tree Warden" - The Tree Warden or his/her designee.

- B. Additional definitions may be provided in rules and regulations approved by the Select Board where consistent with intent and efficient execution of this By-law.

Section 3. Applicability

- A. The requirements of this By-law and all applicable rules and regulations apply to the following Circumstances:
 - (1) Proposed demolition of an existing residential or non-residential structure;
 - (2) Proposed construction on a developed lot which would result in an increase of 50 percent or more of the total building footprint of the new structure(s) when compared to the total footprint of pre-existing structures; or
 - (3) Proposed construction of any scope on a lot with no residential or non-residential structure on it.
- B. Sites under the jurisdiction of the Arlington Redevelopment Board ("ARB") or the ARB as the Planning Board, the Zoning Board of Appeals, or the Conservation Commission pursuant to Arlington's Wetlands Protection By-law (Title V, Article 8) may waive the requirements of this By-law in full or in part where such waiver serves the interest of the community and the reasons therefore are memorialized by such bodies.
- C. The requirements of this By-law shall not apply to trees defined as Public Shade Trees under G.L. c.87 § 1.

Section 4. Procedures and Requirements for the Preservation of Trees

- A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.
- B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree

Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C

- C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a payment made to the Tree Fund in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public, prior to the commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.
- D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.
- E. An Owner aggrieved of the Tree Warden's determination on a Tree Plan, or with respect to the need for such a plan, may appeal such determinations to the Select Board at a public hearing. A written decision on such appeals shall be rendered with 14 business days of the close of such hearing(s).

Section 5. Enforcement and Fines

- A. Following a determination of violation by the Tree Warden, an owner shall be subject to fines for the activities listed below, to be paid into the Tree Fund, said fines to be set forth in rules and regulations issued by the Select Board.

Said activities are:

- (1) Removal of a Protected Tree on an applicable site without prior written approval of commencement of work per Section 4.D, \$300 per day of work. There shall also be a fine for each Protected Tree removed.
 - (2) Removal of a Protected Tree which is not identified for removal in the Tree Plan. There shall be a fine for each Protected Tree removed, \$300.
 - (3) Failure to mitigate tree removal within the time set forth in Section 4.C of this By-Law. There shall be a fine of \$300 for each day until mitigation is achieved.
- B. Wherever there is reasonable cause to believe that an owner or their agent willfully violates this By-Law or an approved Tree Plan, the Town may institute a civil action for injunctive relief in a court of competent jurisdiction ordering appropriate parties to correct a condition in violation, or to cease an unlawful use of the property.
- C. An owner aggrieved of the Tree Warden's determination of violation(s) may appeal such determination(s) to the Select Board at a public hearing.

Section 6. Administration

The Select Board shall establish further administrative rules and regulations for the review and approval of Tree Plans, as well as enforcement determinations. Failure to issue rules and regulations will not have the effect of suspending or invalidating this By-law.

Section 7. Severability Clause

If any provision of this By-law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this By-law shall not be affected thereby.

Section 8. Relationship to Other Laws

Nothing in this By-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Arlington By-laws or laws of the Commonwealth of Massachusetts.

ARTICLE 17
VACANT STOREFRONT MAINTENANCE REGISTRY
(ART. 6, STM – 10/19/16; ART. 11, STM – 5/02/18)

Section 1 Findings and Purposes.

The purposes of this bylaw are to protect the welfare and economic vitality of the residents of the Town of Arlington by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against economic property blight, protecting Town resources, and ensuring the safe and sanitary maintenance of commercial and industrial vacant properties.

Among other things, vacant commercial and industrial properties can degrade the vitality of Arlington's business districts, frustrate local planning and development efforts, create increased specific risks of fire damage, vandalism and unlawful entry or uses, and give rise to other public health and safety hazards. This bylaw is intended to promote the Town's public welfare and economic health by requiring all property owners to register and properly maintain vacant commercial and industrial properties.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

"Building Inspector" - The Building Inspector of the Town of Arlington or the Inspector's designee.

"Legally Occupied" - Occupied in accordance with the provisions of the Massachusetts Building Code.

"Owner" - A person or entity who, alone or severally with others:

A. Has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or

B. Is a tenant with a legal right to possess an entire building; or

C. Is a mortgagee in possession of any building; or

D. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or

E. Is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant property.

"Planning Department" - The Department of Planning and Community Development.

"Planning Director" - The Director of Planning and Community Development for the Town of Arlington or the Director's designee.

"Public Art" - Works of art for public benefit and viewing, approved by the Department of Planning and Community Development, for which owners have agreed to the temporary display inside storefront windows or upon other safe, visible exterior surfaces of vacant properties for agreed upon time periods and other material terms.

"Vacant Building" - Any unoccupied non residential commercial or industrial real property which:

A. Is not legally occupied, is abandoned, or is not used for a period of at least ninety (90) consecutive days or longer by occupants having custody or legal right of entry to such property; or

B. Which is intermittently occupied by persons with legal right of entry, but exhibits in the opinion of the Building Inspector dilapidated walls, roof,

or doors which fail to prevent the entry of a trespasser for a period of more than seven (7 days).

Section 3. Registration.

- A. Prior to, or not more than seven (7) days after a unit or any portion of a property becomes vacant, as defined herein, the owner(s) must register the vacancy with the Department of Planning and Community Development and the Building Inspector on forms agreed upon and provided by such departments. All registrations must state the owner's name, phone number, and mailing address as well as an emergency contact, if not the same. None of the required addresses shall be a post office box. This registration must state if the property is vacant at the time of filing. The registration shall also state the owner's efforts to regain occupancy. Once the building is not longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Planning Department or Inspectional Service Department pursuant to the process outlined by such departments.

The Building Inspector will notify Police, Fire, Water and Sewer, and Health Departments of the submitted registration of vacant building as well as the re-occupancy of the building.

- B. The Planning Director and the Building Inspector may jointly exempt a property owner from the provisions of this bylaw upon the presentation of evidence, in such form as may be convincing to them, that the failure to use or occupy a building for a period in excess of 90 days does not violate the purpose or intent of this bylaw.

Section 4. Annual Registration Fee, Failure to Pay, Waiver.

- A. The annual registration fee is due at the time of registration of the vacant property. The property owner will be invoiced on an annual basis until the property is leased or sold. The annual registration fee shall be set by the Select Board pursuant to M.G.L c. 40, § 22F.
- B. The annual registration fee covers the administrative cost of monitoring and ensuring the security and proper maintenance of such building, as identified in said billing statement. Failure to pay the annual registration fee shall be a violation of this bylaw, and the full fee shall be deemed an assessment resulting from a violation of this

bylaw. Such fee, and any fines issued for violations of this bylaw, shall constitute a "municipal charges lien" on the property, to be collected in accordance with MGL c. 40, §58.

- C. Owners may apply for a waiver of the annual registration fee at the time of registration of a vacant property and upon receipt of annual registration fee invoices each year thereafter, requesting waiver of some or the entire fee on grounds of demonstrable financial hardship, or by agreeing in writing to display public art as defined herein for the term of a vacancy. Waivers for public art display will be granted only as sufficient public is available, appropriate to the location for display, and the Town, artist, owner agree to terms of exhibition as set forth by the Planning Department. Waivers requested on the basis of financial hardship are subject to a 30-day review period. If a waiver based on financial hardship is granted it will be reevaluated on a quarterly basis until property is leased or sold. If a waiver of the registration fee based on financial hardship is denied, the registration fee is due within 30 days of the decision.

Section 5. Maintenance Requirements.

- A. The owner of a vacant building must maintain the vacant building in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, pertaining to the external/visible maintenance of the building and major system maintenance of the property.
- B. The owner of a vacant building must promptly repair all broken windows, doors, other openings and any unsafe conditions at a vacant building. Boarding up of open or broken windows and doors is prohibited except as a temporary measure allowed by Title V, Article Seven of these bylaws, unless the Building Inspector determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a determined period of time. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.
- C. The owner must maintain the building and property for the duration of the vacancy or abandonment. The owner shall maintain the condition of the building and property so as to appear not to be vacant. Upon notice by the Building Inspector, any accumulated trash and/or graffiti

- shall be removed from the property by the owner with seven (7) days. The Building Inspector and/or the Inspector's designee will document violations. The owner of any building vacant for a period exceeding six months, whose utilities have been shut off, shall have those utilities removed or cut and capped to prevent accidents.
- D. The owner may include advertising materials in the vacant space or displayed in the property's street-facing windows. Such advertising materials must be approved by the Planning Director.
- E. Compliance with this bylaw shall not relieve the owner of any obligations set forth in any other applicable bylaw, regulations, codes, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply.

Section 6. Inspections

The Building Inspector, Police Chief, Fire Chief and the Health Director, or their designees, shall have the authority to periodically inspect the exterior and interior of any building subject to this bylaw for compliance, as authorized under the terms of registration form filed with the Building Inspector and Planning Department. The Building Inspector shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present.

Section 7. Violations and Penalties; Enforcement

- A. Violations of any portions of this bylaw shall be punishable by a fine of \$100 per day in total. However, the Building Inspector and Planning Director may waive the fine in total or in part upon the abatement of the violation(s).
- B. The Building Inspector or the Inspector's designee shall enforce all provisions of this bylaw and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this bylaw shall receive a written warning and a minimum of seven (7) days to remedy all violations prior to the institution of any enforcement action by the Inspector.

The Building Inspector, acting on behalf of the Town of Arlington, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this bylaw. This bylaw may also be enforced through non-criminal disposition in accordance with the provisions of the Town bylaws.

Section 8. Unsafe Buildings

If the Building Inspector determines the building to be unsafe, the Inspector may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this bylaw shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, MGL c. 139, § 1 et seq. and MGL c. 143, § 6 et seq.

Section 9. Severability

If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect

TITLE VI
BUILDING REGULATIONS
(ART. 76, ATM – 05/15/00)

ARTICLE 1
ELECTRICAL CODE AND WIRE INSPECTION

Section 1. Electrical Code

The Electrical Code for the Town shall be the Commonwealth of Massachusetts State Electrical Code, 527 CMR 12.00, its referenced codes and standards, and M.G.L.c.143 as from time to time amended.

Section 2. Installation and Maintenance

The installation and maintenance of all wires shall be under the supervision of the Inspector of Wires, and all wires and structures supporting or carrying the same, and all devices connected thereto shall be in accordance with the latest edition of the Commonwealth of Massachusetts State Electrical Code.

Section 3. Poles

A. Location and Identification No two lines of poles bearing conductors of a like class may be erected on any street, avenue or square, and no two lines of poles may be erected on the same side of any street, avenue or square. Poles shall be set in the sidewalk not less than ten inches from the outer side of the curb line and shall not be located within less than ten feet of any lamp post or any other pole, except when they are designed to carry wires on streets running at an angle to each other nor less than four feet of any catch basin or hydrant. All poles shall be suitably painted and kept in good condition to the satisfaction of the Inspector of Wires, and they shall be stenciled, marked or branded with the owner's name or initials at a point not less than five nor more than seven feet from the ground.

B. Spacing and Size Where possible, all poles must be uniformly spaced, and of a uniform height, and shall not be more than one hundred and eighty feet apart. No pole less than thirty-five feet long shall be set in the streets of the Town, except poles for trolley span wires and poles used as ornamental lighting standards. All poles, except those used for ornamental lighting, shall be set not less than five feet in the ground under ordinary soil conditions and shall be stepped commencing eight feet from the sidewalk, such steps to be parallel with the sidewalk curbstone.

Deviations from the rule may be permitted by the Inspector of Wires. Poles shall be set on lot lines or in positions which will cause a minimum interference with private driveways or walks. Extensions must not be made on any pole without the approval of the Inspector of Wires.

The first gain on every pole which in accordance with the provisions of the National Electrical Safety Code would be designated for Class C circuits shall be reserved for the use of the signal wires of the Town.

C. Cross Arms Cross arms shall be painted with at least two coats of an approved paint. The name or initials of the owner shall be plainly indicated on every cross arm attached to a pole within the Town by the use of a suitable tag or by painting, stenciling or branding them. Where wires of different ownership occupy the same cross arm, suitable tags bearing the name of the owner shall be attached to such wires at or near the insulator.

D. Pole Use No staple, ring, chain or other device shall be driven into or fastened to any pole for any purpose other than as required for the proper installation and maintenance of a pole and its attachments. No person shall deface any pole by the use of a linemen's spurs or otherwise below the lowest cross arm.

E. Replacement Poles New poles shall not be brought onto any street more than two days in advance of the time they are to be set and when old poles are taken down they must be removed from the street the same day. Old poles temporarily lashed or fastened to new poles pending the transfer of wires must be removed within thirty days of installation of new pole. When pole locations are abandoned a report of the same shall be made to the Inspector of Wires as soon as the work is completed.

Section 4. Clearance of Wires

The first point of attachment to buildings of wires for light, heat or power service shall be not less than nine feet above the ground, or any platform, or structure on which a person may stand. All such wiring attached to and carried along the outside of any building shall be enclosed in an approved iron conduit.

ARTICLE 2
FIRE PREVENTION CODE
(ART. 27, ATM – 05/09/01)

Section 1. Fire Protection Code

The Fire Prevention Code of the Town shall be the Commonwealth of Massachusetts Board of Fire Prevention Regulations, 527 CMR as from time to time amended or superseded by subsequent additions and M.G.L. c.148, Fire Prevention.

Section 2. Participation of Fire and Support Services

A. Master Alarm Boxes The master fire alarm box shall conform to Director of Fire and Support Services specifications. Where there is more than one multiple dwelling located so as to form a complex, one (1) master fire alarm box may be used provided that each building has its own annunciator panel with a visible flashing red light mounted near the main entrance; the light must indicate the location of the building sending in the alarm.

B. System Approval A complete set of plans for fire protection systems with a list of specifications shall be furnished to the Director of Fire and Support Services for approval. The approval of the type of system will be required before any interior wall sheathing is commenced. Said Director shall make available a complete list of specifications and regulations governing fire protection systems which are to be connected to the Arlington municipal fire alarm system.

Section 3. Nuisance Fire Alarms
(ART. 15, ATM – 4/28/10)

A. Definitions.

“Malicious Fire Alarm Activation” shall mean any intentional manual activation of any fire alarm system by someone without a reasonable belief that a fire or other emergency situation requires assistance.

“Nuisance Fire Alarm Activation” shall mean any activation of an automatic fire alarm system caused by (i) mechanical failure or malfunction; (ii) improper installation; (iii) insufficient or improper maintenance, including failure to disable alarm system before starting work; or (iv) improper use. “Nuisance Fire Alarm Activation” shall include recurrent or otherwise reasonably foreseeable Malicious Fire Alarm Activation that the Responsible Alarm User has failed to take reasonable steps to prevent.

“Responsible Alarm User” shall mean the owner, tenant, or manager of any commercial or residential property equipped with an automatic fire alarm system.

B. Penalties for Nuisance Fire Alarm Activation.

The following penalties shall be assessed on the Responsible Alarm User or Users for Nuisance Fire Alarm Activations occurring within one calendar year.

First Occurrence:	oral warning
Second Occurrence:	oral or written warning
Third Occurrence:	\$50
Fourth Occurrence:	\$100
Fifth Occurrence:	\$200
Sixth and Subsequent Occurrences:	\$300

A series of Nuisance Fire Alarm Activations occurring within 8 hours and attributable to the same cause or occurring under circumstances attributable to the same cause beyond the control of the Responsible Alarm User shall be considered one occurrence of a Nuisance Fire Alarm Activation.

Any third or subsequent occurrence may be treated as a second occurrence if, in the reasonable judgment of the Fire Chief or the Chief’s designee, the totality of the circumstances warrant such treatment.

Any failure by the enforcing authority to issue a written warning for a second occurrence shall not bar the imposition of monetary penalties for a third or subsequent occurrence.

C. Exemptions. No fine shall be assessed and no warning shall be given for fire alarm activations attributable to the following causes: (i) an actual fire; (ii) smoke from a source such as burning food or overheating in a motor, electrical appliance, or other equipment; or (iii) activation of a manual pull station by someone with reasonable cause to believe such activation is warranted by an emergency situation.

D. Penalties for Malicious Fire Alarm Activation. A fine of \$300 shall be assessed for every instance of Malicious Fire Alarm Activation.

E. Enforcement. In addition to the enforcing authority set forth elsewhere in these Bylaws, the enforcing authority for this section shall be the Arlington Fire Chief or the Chief's designee. Enforcement of this section shall be through the non-criminal disposition procedure set forth in Section 21D of Chapter 40 of the General Laws or by criminal indictment or complaint under Section 21 of Chapter 40 of the General Laws.

ARTICLE 3
BUILDING CODE
(ART. 27, ATM – 05/09/01)

The Town of Arlington is governed by the Commonwealth of Massachusetts State Building Code, 780 CMR, 6th Edition, now and as from time to time amended or is superseded by subsequent editions, its Referenced Codes and Standards, and M.G.L. c.143.

ARTICLE 4
PLUMBING AND FUEL GAS CODE

The Plumbing and Gas Fitting Code for the Town shall be the Commonwealth of Massachusetts State Plumbing and Fuel Gas Code, 248 CMR, its referenced codes and standards, and M.G.L.c.142.

ARTICLE 5
BOARD OF BUILDING APPEALS

Section 1. Board of Building Appeals Established

A Board of Building Appeals is hereby established to consist of three members to be appointed by the Select Board, who shall designate the Chairperson. All members of the Select Board shall be residents of the Town of Arlington, and one member thereof shall be an attorney-at-law, and at least one of the remaining members shall be an architect, civil engineer, or master builder.

The appointments first made shall be for the term of one, two, and three years respectively, so that the terms of one member shall expire each year. All subsequent appointments shall be for the term of three years. The Select Board shall also appoint each year an associate member for the term of one year.

No member shall act in any case in which they shall be interested, and in case any member shall be so disqualified, or because of absence from the Town, or any other case, they shall be unable to act, the remaining member shall, in a written statement, filed with the department, so certify, and the associate member shall act. Whenever said associate member shall serve, they shall have all the powers conferred upon a regular member. If two or more members are absent or disqualified, the Select Board may appoint substitutes to act during such absence of disqualification.

Each member of the Select Board shall be paid ten dollars (\$10.00) per meeting for actual service, but in no one year shall the total amount received by any one member exceed \$200.00.

Every decision of the Select Board shall be in writing and shall require the assent of at least two members (except as otherwise provided herein) and a copy thereof shall be filed forthwith in the office of Inspector of Buildings where a copy of the decision shall be kept publicly for at least two weeks.

Section 2. Procedure for Appeals
(ART. 27, ATM – 05/09/01)

Any applicant for a permit whose application has been refused by the Inspector of Buildings, or any person who has been ordered by the Inspector of Buildings to incur expense in connection with a structure, or any person dissatisfied with the decision of the Inspector of Buildings on a matter left by the Building Code to the Inspector's approval or discretion, may appeal therefrom to the Board of Building Appeals within 45 days from the date of

said refusal, order, or decision as provided for in the State Building Code as amended.

After notice is given to such parties as the Board shall order, a public hearing shall be had and the Board shall affirm, annul or modify such refusal, order, or decision. If the action of the Inspector of Buildings is modified or annulled, the Inspector of Buildings shall issue a permit or order in accordance with the decision of the Board.

Section 3. Variations in Specific Cases
(ART. 27, ATM – 05/09/01)

The Board of Building Appeals may vary the provisions of the Building Code, in cases wherein its enforcement would involve practical difficulties or unnecessary hardship and wherein desirable relief may be granted without substantially derogating from intent and purpose of the Building Code but not otherwise.

The decision in such cases shall be unanimous and shall specify the variations allowed and the reasons therefore; and shall be filed in the office of the Inspector of Buildings within ten days after the hearing. A certified copy shall be sent by mail or otherwise to the applicant.

ARTICLE 6
HISTORICALLY OR ARCHITECTURALLY
SIGNIFICANT BUILDINGS

Section 1. Intent and Purpose

This Bylaw is adopted for the purpose of preserving and protecting, through advance notice of their proposed demolition, significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the Town, to encourage owners of preferably-preserved significant buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate, or restore such buildings rather than demolish them, and by furthering these purposes to promote the public welfare, to preserve the resources of the Town, and to make the Town a more attractive and desirable place in which to live. To achieve these purposes, the Arlington Historical Commission is empowered to advise the Arlington Building Inspector with respect to the issuance of permits for demolition, and the issuance of demolition permits for significant buildings is regulated as provided in this Bylaw.

Section 2. Definitions

(ART 24, ATM – 05/01/89) (ART. 31, ATM – 04/25/90)

The following terms, when used whether or not capitalized in this Bylaw, shall have the meanings set forth below, unless the context otherwise requires.

A. "Building" Any combination of materials forming a shelter for persons, animals or property

B. "Significant Building" any building:

1. which is listed on, or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on said National Register, or
2. which is or has been listed on an Inventory provided to the Building Inspector by the Commission

C. "Preferably-Preserved Significant Building" - any significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than to be demolished

D. "Commission" - the Arlington Historical Commission

E. "Commission Staff" - the chairperson of the Commission, or any person to whom the chairperson has delegated authority to act as Commission staff under this Bylaw

F. "Inventory" - a list of buildings on file at the Massachusetts Historical Commission that have been designated by the Commission to be significant buildings after a finding by the Commission that a building either

1. is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or Commonwealth, or
2. is historically or architecturally significant (in terms of period, style, method of building construction, or association with a

famous architect or builder) either by itself or in the context of a group of buildings

G. "Building Inspector" - the person occupying the office of Building Inspector or otherwise authorized to issue demolition permits

H. "Application" - an application for a permit for the demolition of a building which shall include a photograph of the building taken within the past year

I. "Permit" - A permit issued by the Building Inspector for demolition of a building pursuant to an application therefor

J. "Demolition" - the act of pulling down, destroying, removing, or razing a building, or commencing the work of total or substantial destruction with the intent of completing the same. A structure is considered to be demolished if it is destroyed due to the owner's failure to maintain a watertight and secure structure. A structure shall also be considered to be demolished if more than twenty-five percent (25%) of the front or side elevations are removed or covered. Each elevation shall be calculated separately

K. "Business Day" - a day which is not a legal municipal holiday, Saturday or Sunday

Section 3. Procedure

(ART. 24, ATM – 05/01/89) (ART. 31, ATM – 04/25/90)

A. The Building Inspector, on the day of receipt of an application for demolition of a listed significant building or within the next five successive business days, shall cause a copy of each such application for a demolition permit to be forwarded to (or shall satisfy themselves that a duplicate of such application has been submitted to) the Commission.

No demolition permit shall be issued at that time. Within five business days of the receipt by the Building Inspector of said application they shall personally inspect the site of the proposed demolition to verify the accuracy of the information contained in the application with particular attention to the correctness of the address listed.

- B.** The Commission shall fix a reasonable time, within 30 days of receiving a copy of such application, for a hearing on any application and shall give public notice thereof by publishing notice of time, place, and purpose of the hearing in a local newspaper at least fourteen days before said hearing and also, within seven days of said hearing, mail a copy of said notice to the applicant, to the owners of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, to the Arlington Historic Districts Commission and to such other persons as the Commission shall deem entitled to notice.
- C.** If, after such hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Inspector within ten (10) days of such determination. Upon receipt of such notification, or after the expiration of fifteen (15) days from the date of the conduct of the hearing if such person has not received notification from the Commission, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.
- D.** If the Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a preferably-preserved significant building.
- E.** Upon a determination by the Commission that the significant building which is the subject of the application for a demolition permit is a preferably-preserved significant building, the Commission shall so advise the applicant and the Building Inspector, and no demolition permit may be issued until at least twelve months after the date of the application for demolition.
- F.** Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect that either

1. the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
 2. the Commission is satisfied that for at least twelve months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.
- G.** No permit for erection of a new structure on the site of an existing significant building may be issued prior to issuance of a permit for demolition of such existing building.
- H.** No permit for erection of a new building, paving of drives or for parking shall be issued for two (2) years if a structure is demolished in violation of this bylaw.

Section 4. Emergency Demolition

Nothing in this article shall be construed to derogate in any way from the authority of the Inspector of Buildings derived from Chapter 143 of the General Laws. However, before acting pursuant to this chapter the Inspector of Buildings shall make every reasonable effort to inform the Chairperson of the Historical Commission of the Inspector's intentions to cause demolition before the Inspector initiates same.

Section 5. Historic Districts Act

Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic Districts Act, General Laws, Chapter 40C, with respect to requirements as to notice, a hearing and issuance by the Arlington Historic District Commissions of a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship prior to demolition of any building in an historic district, provided, however, that any temporary building erected or maintained in an historic district pursuant to a certificate issued by the Arlington Historic District Commissions may be demolished in a manner not inconsistent with the terms of said certificate.

Section 6. Severability

If any section, paragraph or part of this Bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

ARTICLE 7
NOTICE OF DEMOLITION, OPEN FOUNDATION
EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS
(ART. 20, ATM – 04/17/05)
(ART. 11, ATM - 04/24/17)

A. The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, or build a large addition must at least seven (7) calendar days prior to the commencement of any site work (including demolition or open foundation excavation), or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier, give notice by first-class mail to all abutters and current occupants (to the extent practicable) within 200 feet of such building or construction site before such demolition, construction, or open foundation excavation can commence.

B. The notice required herein shall, at a minimum, contain contact information for the developer or contractor, a site plan for any applicable residential demolition, open foundation excavation, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.

C. “Demolition” shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.

“Open foundation excavation” shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

“Large additions” shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

D. Prior to issuance of a demolition or building permit, or commencing an open foundation excavation the applicant shall demonstrate to the satisfaction of the Inspector of Buildings that they have given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.

E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.

ARTICLE 8
TRENCH SAFETY
(ART. 20, ATM – 05/05/08)
(ART. 24, ATM – 05/04/2009)

Section 1. The Director of Public Works shall serve as the authority for issuing trench excavating permits pursuant to General Laws Chapter 82A and 520 C.M.R. 14.00 and may impose additional requirements concerning excavation and trench safety within the Town not inconsistent with these state enactments as they may be from time to time amended. The Director of Public Works shall set a reasonable fee to defray the cost of issuance and administration of trench excavating permits.

Section 2. If the Director of the Department of Public Works is notified of an unattended trench during a time when the permit holder is unavailable, and the Director determines that a police detail is required to make the trench safe for the protection of the general public, the permit holder shall be assessed and be responsible to the Town for the cost of providing the police detail.

Section 3. In the event that the Town determines that a trench is unattended and unsafe, the Director of Public Works may take such action to backfill, barricade or cover the trench and the permit holder shall be assessed the costs associated with the action, including any overtime costs for the Department of Public Works employees or the Department-authorized contractors.

Section 4. Whenever a permit holder is making multiple trenches over the course of a single project, the Town may choose to issue a blanket permit allowing the permit holder to add to the list of trench locations as the permit holder becomes aware that a trench is required. The permit holder shall advise the Director of the addition of each new trench.

Section 5. If any of the foregoing provisions are held invalid such invalidity shall not affect the validity of any remaining provision.

**TICLE 9
RESIDENTIAL CONSTRUCTION SITE CONTROL AND
MAINTENANCE**

(ART. 12, ATM - 04/24/17)

(ART. 13, ATM - 04/24/17)

A. Purpose and Applicability

The purpose of this article is to establish construction site maintenance requirements for residential demolition, open foundation excavation, new construction, and large addition projects in the interests of minimizing adverse impacts on the neighboring community and promoting public health and safety.

B. Definitions

1. "Demolition shall be defined as the act of pulling down , destroying, removing, or razing a removing, or razing 50% or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.

2. "Open foundation excavation" shall be defined as an open and exposed excavation for the purpose of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements set forth in Title V Article 3 of these bylaws.

3. "Large additions" shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

C. Site Maintenance Requirements

Throughout the course of any demolition, open foundation excavation, new construction, or large addition project as defined herein, the primary contractor, builder, or developer shall be required to keep the residential construction site in neat and orderly condition. Specifically, the construction site shall be required to be maintained as follows:

1. All waste shall be managed and secured daily so as not to impact site abutters or the surrounding area; and at a minimum, dumpsters shall be cleaned or removed every thirty (30) calendar days;
2. Portable restrooms shall be secured, maintained, free from the public way, and placed at least ten (10) feet from adjacent residential properties unless otherwise permitted by the Town through the Building Inspector or the Inspector's designee;
3. Construction equipment and materials shall be stored in safe, secure and non-obstructive locations on the site, or as otherwise permitted by the Town through the Building Inspector or the Inspector's designee;
4. Construction equipment and materials no longer to be used on the site shall be removed from the site within 14 calendar days, unless otherwise permitted by the Town through the Building Inspector or the Inspector's designee;
5. A drive entrance pad, or its equivalent, shall be placed, utilized, and maintained on site to provide an area where construction vehicles entering and exiting the building site can remove mud and sediment from tires prior to driving on public or private ways, unless determined technically infeasible by the Building Inspector or the Inspector's designee;

6. In interests of public safety and protecting abutting property owners, lateral supports shall not be removed from any footing or foundation without first protecting such footings or foundations against settlement or lateral translation.

D. Violations and Fines

Violations of the foregoing requirements shall be determined by the Inspectional Services Department. A fine of \$50 per category of violations shall be imposed upon notification of the Building Inspector. A fine of \$100 per category of violation or violations per day shall be imposed thereafter until conditions are corrected and the construction site is in compliance with each of the foregoing requirements.

TITLE VII

HISTORIC DISTRICTS

**ARTICLE 1
ESTABLISHMENT OF DISTRICTS
(ART. 46, ATM – 05/12/97)**

The following historic districts have been established in the Town of Arlington in accordance with the provisions of Massachusetts General Laws, Chapter 40C:

- Section 1. Broadway Historic District (April 11, 1977),
enlarged March 23, 1981 and April 29, 1991)**
- Section 2. Central Street Historic District (June 9, 1982)**
- Section 3. Russell Historic District (April 27, 1983, enlarged
April 3, 1985)**
- Section 4. Pleasant Street Historic District (May 16, 1988,
enlarged April 29, 1991, May 6, 2002 and May 2,
2005 and April 26, 2006)
(ART 58, A.T.M., 5/6/02 - ART. 23, A.T.M., 5/2/05 -
ART. 34, A.T.M., 4/26/06)**
- Section 5. Mount Gilboa/Crescent Hill Historic District
(April 29, 1991) (April 27, 2015)**
- Section 6. Avon Place Historic District (April 22, 1996)**
- Section 7. Jason/Gray Historic District (May 4, 1998)
(ART. 22, A.T.M., 05/04/98)**

ARTICLE 2
DESCRIPTIONS OF DISTRICTS

Section 1. Description of Broadway Historic District

A. Original District (Voted 4/11/77) The Broadway Historic District is bounded and described as follows; Beginning at a point at the intersection of the westerly lot line of the property number #278 Broadway and the southwesterly sideline of Broadway, said point being 92.79 feet southeasterly of the southeasterly sideline of Franklin St., thence going southwesterly along the westerly lot line of #278 Broadway a distance of 103.29 feet to a point, thence going southeasterly along the back lot line of the property numbered #278 Broadway a distance of 37.60 feet to a point, thence going northeasterly along the easterly lot line of #278 Broadway a plan distance of 13.03 feet (13.88 Deed) to a point, thence southeasterly along the rear lot line of #274-276 Broadway a distance of 86.01 feet to a point, thence going northeasterly along the easterly lot line of #274-276 Broadway a distance of 116.82 feet to a point on the southwesterly sideline of Broadway, thence continuing northeasterly to the centerline of Broadway a distance of 32 feet, thence going southeasterly along the centerline of Broadway a distance of 127.7 feet \pm to a point, thence going across Broadway a distance of 32 feet \pm to the northeasterly sideline of Broadway at the intersection of the northwesterly sideline of Webster St., thence northeasterly along said sideline of Webster St., a distance of 121.97 feet, thence northwesterly along the rear lot line of #267 Broadway a distance of 97.96 feet to a point, thence southwesterly along the northerly sideline of #267 Broadway a distance of 100 feet \pm to a point, thence northwesterly through Lot A on a line 45 feet from and parallel to Broadway a distance of 100 feet \pm to a point, thence southwesterly through Lot A a distance of 45 feet to a point on the northeasterly sideline of Broadway thence continuing southwesterly a distance of 32 feet to the centerline of Broadway, thence northwesterly along the centerline of Broadway a distance of 70 feet \pm to a point, thence southwesterly to the southwesterly sideline of Broadway a distance of 32 feet to the point of beginning.

- B. First Enlargement (Voted 3/23/81)** Added the property numbered 393-395 Massachusetts Avenue, which is bounded and described as follows:

SOUTHWESTERLY by Massachusetts Avenue, ninety and 86/100 (90.86) feet;

NORTHWESTERLY by land formerly of Boston, eighty-nine and 27/100 (89.27) feet;

NORTHEASTERLY by said Boston land and by land now or formerly of Jennings, eighty-three and 5/10 (83.5) feet; and

SOUTHEASTERLY by land formerly of Shattuck one hundred and nine and 41/100 (109.41) feet.

be all of said measurements more or less, and to be shown on a plan entitled "Plan of Land in Arlington, Mass. showing proposed addition to the Broadway Historic District, scale 1" = 30', Jan. 1981, C. F. Rinciari, Town Engr."

- C. Second Enlargement (Voted 4/29/91)** Added the properties numbered 266, 268 and 272 Broadway, said area being bounded and described as follows:

Beginning at a point on the rear lot line of No. 272 Broadway at the intersection of the northwesterly sideline of said property, thence going northeasterly along said sideline distances of 116.82 and 32.0 feet to a point on the centerline of Broadway, thence going southeasterly along the centerline of Broadway a distance of 146.7 feet to a point, thence going southwesterly along Broadway and along the southeasterly sideline of the property numbered 266 Broadway, distances of 32.0 and 157.6 feet to a point on the rear lot line of said property, thence going northwesterly along the rear lot line of the properties numbered

266, 268 and 272 Broadway a distance 154.82 feet to the point of beginning.

be all of said measurements more or less, and shown on a plan entitled "Broadway Historic District Expansion, Arlington, Mass." by C. F. Rinciari, Town Engineer, May 1990.

Section 2. Description of Central Street Historic District (Voted 6/9/82)

The Central Street Historic District is bounded and described as follows:

Beginning at a point on the northerly side of Massachusetts Avenue, in the center of Central Street, then running: WESTERLY along said northerly sideline 147.34 feet, then turning and running NORTHERLY in three courses 189.24 feet, 30 feet more or less and 66.99 feet (said middle course being the width of Bacon Street), then turning and running EASTERLY 75.31 feet, then turning and running NORTHERLY 26.8 feet, then turning and running EASTERLY 8.49 feet, then turning and running NORTHERLY 260.9 feet, then turning and running WESTERLY 76.52 feet across the Mill Brook, then turning at a right angle and running generally NORTHERLY 30 feet, then turning and running EASTERLY 290 feet more or less to a point where the rear and side lot lines of 35 Central Street and 12 Court Street Place intersect on land formerly of the Boston and Maine Railroad, then turning and running SOUTHERLY by the rear lot lines of the properties on the eastern side of Central Street, 461.21 feet, then turning and running WESTERLY 130.38 feet to the center line of Central Street, then turning and running SOUTHERLY along the center line of Central Street, 69.96 feet to the point of beginning.

All the foregoing measurements being more or less; and shown on a plan entitled "Central Street Historic District, Arlington, Mass." by C. F. Rinciari, Town Engineer, dated February, 1982.

Section 3. Description of Russell Historic District

A. Original District (Voted 4/27/83) The Russell Historic District is bounded and described as follows:

Beginning at a point on the southeasterly sideline of Water Street, said point being at the intersection of the northeasterly sideline of the Massachusetts Bay Transportation Authority then turning and running NORTHEASTERLY on two courses 288.87 feet and 111.0 feet along the southeasterly side of Water Street, then turning and running SOUTHEASTERLY on two courses 133.70 feet and 96.8 feet along the rear lot lines of properties on the northerly sideline of Russell Street then turning and running NORTHERLY 17.0 feet then turning and running EASTERLY on two courses 100.20 feet and 76.29 feet along said rear property lines, then turning and running NORTHERLY 2.50 feet, then turning and running EASTERLY 158.98 feet, along the rear property line then turning and running SOUTHEASTERLY 32.26 feet, then turning and running WESTERLY 42.86 feet, then turning and running SOUTHERLY 163.0 feet along the easterly property line of #9 Russell Street and across Russell Street, then turning and running EASTERLY 140 feet \pm along the southerly sideline of Russell Street to a point of curve, then turning and running SOUTHEASTERLY 12.91 feet along a curve to the westerly sideline of Mystic Street then turning and running SOUTHERLY 75.0 feet along Mystic Street then turning and running WESTERLY 119 \pm feet then turning and running SOUTHERLY 21.0 feet then turning and running NORTHWESTERLY on two courses 8329 feet and 42 feet \pm (the second course being the width of Prescott Street) then turning and running SOUTHWESTERLY 40.79 feet along the westerly sideline of Prescott Street then turning and running NORTHWESTERLY 37.3 feet along the rear property line of property at 14-16 Russell Street then turning and running WESTERLY 100.90 feet along the rear property line of properties on the southerly side of Russell Street, then turning and running SOUTHWESTERLY 328.49 feet along the rear lot lines of properties on the easterly side of Russell Terrace to Winslow Street then NORTHWESTERLY 151.34 feet along the northeasterly sideline of Winslow Street and across Russell Terrace then turning and running SOUTHWESTERLY 68 feet \pm along the northwesterly sideline of Russell Terrace then turning and running NORTHWESTERLY 273.96 feet along the northeasterly sideline of land of the Massachusetts Bay Transportation Authority to the point of beginning.

All of the foregoing measurements being more or less; and shown on a plan entitled "Russell Historic District, Arlington, Massachusetts by C. F. Rinciari, Town Engineer," dated January, 1983.

B. Enlargement (Voted 4/3/85) Added the properties numbered 12, 14-16, 20 and 22 Prescott Street, said area being bounded and described as follows:

Beginning at a point on the NORTHWESTERLY sideline of Prescott Street at the intersection of the SOUTHERLY lot line of the property numbered 12 Prescott Street, thence going NORTHWESTERLY along said SOUTHERLY lot line a distance of 116.50 feet to a point on the rear lot line, thence going NORTHEASTERLY along the rear lot lines of the properties numbered 12, 14-16, 20 and 22 Prescott Street a distance of 204.38 feet to a point at the intersection of the NORTHERLY sideline of said property on two courses, distances of 100.9 feet and 37.3 feet to a point on the NORTHWESTERLY sideline of Prescott Street, thence going SOUTHWESTERLY along the NORTHWESTERLY sideline of Prescott Street a distance of 256.0 feet to the point of beginning.

Be all of said measurements more or less, and shown on a plan entitled "Russell Historic District Expansion, Arlington, Massachusetts" by C. F. Rinciari, Town Engineer, January 1984.

Section 4. Description of Pleasant Street Historic District

A. Original District (Voted 5/16/88) The Pleasant Street historic district is bounded and described as follows:

Beginning at a point on the southeasterly side of Pleasant Street at the intersection of the southwesterly sideline of Swan Street, then running southeasterly 83.16' along the southwesterly sideline of Swan Street, then turning and running southwesterly 54.45' along the rear property line of #40 and #42 Pleasant Street, then turning and running southeasterly 176.96' along the northeasterly property line of #60 Pleasant Street, then turning and running southwesterly 290.81' along the rear property line of #60 Pleasant Street, then turning and running northwesterly 155.11' along the southwesterly property line of #60 Pleasant Street, then turning and running southwesterly 85.0' along the rear property line of #66 Pleasant

Street and across Lombard Road, then turning and running southeasterly 55.0' along the southwesterly sideline of Lombard Road, then turning and running southwesterly 90.0' along the rear property line of #74 Pleasant Street, then turning and running southeasterly 50.0' along the northeasterly property line of #80 Pleasant Street, then turning and running southwesterly 76.15' along the rear property line of #80 Pleasant Street, then turning and running northwesterly 8.0' along the southwesterly property line of #80 Pleasant Street, then turning and running southwesterly 132.99' along the rear property line of #86 Pleasant Street and across Wellington Street, then turning and running southeasterly 70.0' along the southwesterly sideline of Wellington Street, then turning and running southwesterly 90.0' along the rear property line of #94 Pleasant Street, then turning and running northwesterly 65.0' along the southwesterly property line of #94 Pleasant Street, then turning and running southwesterly 141.0' along the rear property line of #100 Pleasant Street and across Addison Street, then turning and running southeasterly 25.0' along the southwesterly sideline of Addison Street, then turning and running southwesterly 101.0' along the rear property line of #108 Pleasant Street, then turning and running southeasterly 5.0' , then turning and running southwesterly 313.77' along the rear property line of #114 Pleasant Street across Hopkins Road along the rear property line of #118 Pleasant Street and across Peabody Road, then turning and running southeasterly 167.0' along the southwesterly sideline of Peabody Road, then turning and running southwesterly 57.93' along the rear property line of #128 Pleasant Street, then turning and running northeasterly 135.0' along the southwesterly property line of #128 Pleasant Street, then turning and running southwesterly 33.0', then turning and running northeasterly 70.0' along the southwesterly sideline of #128 Pleasant Street, then turning and running southwesterly 93.16' along the rear property line of Lot A and across Lakeview, then turning and running southeasterly 50.0' along the southwesterly sideline of Lakeview, then turning and running southwesterly on two courses 51.0' and 106.0' along the rear property lines of #140 and #144 Pleasant Street and across Spring Valley then turning and running southeasterly 72.0' along the southwesterly sideline of Spring Valley, then turning and running southwesterly 51.38' along the rear property line of #146, #148 and #150 Pleasant Street, then turning and running southeasterly on two courses 37.0' and 22.0'

and southwesterly 71.0' along the rear property line of #152 Pleasant Street, then turning and running southeasterly 20.9' along the northeasterly property line of #156 Pleasant Street, then turning and running southwesterly 150.63' along the rear property lines of #156 and #160 Pleasant Street, then turning and running northwesterly 27.0' along the southwesterly property line of #160 Pleasant Street, then turning and running southwesterly 80.60' along the rear property line of #164 Pleasant Street, then turning and running northwesterly 7.0' then turning and running southwesterly 200.0' along the rear property line of #168 Pleasant Street and across Chapman Street, then turning and running northwesterly 65.0' along the southwesterly sideline of Chapman Street then turning and running southwesterly on three courses, 55.0' 8.0' and 55.0' along the rear property line of #176 Pleasant Street, then turning and running southeasterly 47.0' along the rear property line of #3 Chapman Street, then turning and running southwesterly 122.62' along the rear property lines of #180 - #182 and #184 - #186 Pleasant Street, then turning and running northwesterly 26.0' along the southwesterly property line of #184 - #186 Pleasant Street, then turning and running southwesterly 269.0' along the rear property line of #188 and #190 Pleasant Street across Gould Road and along the rear property line of #194 Pleasant Street, then turning and running southeasterly 24.9' along the northeasterly property line of #200 Pleasant Street; then turning and running southwesterly 89.73' along the rear property line of #200 Pleasant Street, then turning and running southeasterly 331.31' along the northeasterly property line of #204 - #206 Pleasant Street, then turning and running westerly 437.0' along the shore of Spy Pond behind the properties numbered #204 - #206 Pleasant Street through #218 Pleasant Street, then turning and running north 15.0' along the northeasterly property line of #220 Pleasant Street, then turning and running northwesterly 260.0' along the shoreline of Spy Pond behind the properties #220 and #226 Pleasant Street, then turning and running southeasterly 5.0' along the northeasterly property line of #232 - #234 Pleasant Street, then turning and running southwesterly 580.0' along the shoreline of Spy Pond and behind the properties #232 - #234 Pleasant Street through #256 Pleasant Street, then turning and running northwesterly on two courses 60.0' and 128.0' to the centerline of Pleasant Street, then turning and running southwesterly 132.0' along the centerline of Pleasant Street, then

turning and running northwesterly 125.0' along the northeasterly sideline of Venner Road to the northerly property line of #5 Venner Road, then turning and running northeasterly 125.0' along the northerly property line of #5 Venner Road and #259 Pleasant Street, then turning and running northwesterly 10.0', then turning and running northeasterly 132.10' along the rear property line of #259 Pleasant Street, Lot B and #253 Pleasant Street then turning and running southeasterly 10.0' along the southwesterly sideline of Brunswick Road, then turning and running northeasterly 166.27' across Brunswick Road and along the rear property lines of #251 Pleasant Street and Lot 47, then turning and running northwesterly 108.0' along the southwesterly property line of #243 Pleasant Street, then turning and running easterly 218.73' along the rear property line of #243 Pleasant Street and #239 Pleasant Street, then turning and running northwesterly 28.40' along the southwesterly property line of #235 Pleasant Street, then turning and running northeasterly 370.16' along the rear property line of #235, #231 and #223 Pleasant Street, then turning and running northeasterly 209.79' along the rear property line of #215 and #211 Pleasant Street, then turning and running northwesterly 15.0' along the northwesterly property line of #207 Pleasant Street, then turning and running northeasterly 123.5' along the rear property line of #207 and #205 Pleasant Street, then turning and running southeasterly 16.35' along the northeasterly property line of #205 Pleasant Street, then turning and running northeasterly 104.88' along the rear property line of #201 and #199 Pleasant Street, then turning and running southeasterly 70.05' along the northeasterly property line of #199 Pleasant Street, then turning and running northeasterly 105.02' along the rear property line of #195 Pleasant Street to Kensington Park, then turning and running northwesterly 63.0' along the southwesterly sideline of Kensington Park, then turning and running northeasterly 146.3' across Kensington Park and along the rear property line of #187 Pleasant Street, then turning and running southeasterly 60.0' along the northeasterly property line of #187 Pleasant Street, then turning and running northeasterly 81.0' along the rear property line of #183 Pleasant Street to Norfolk Road, then turning and running northwesterly 28.0' along the southwesterly sideline of Norfolk Road, then turning and running northeasterly 139.31' across Norfolk Road and the rear property line of Lot A and #175 Pleasant Street to Monadnock Road, then turning and running northwesterly 38.0'

along the southwesterly sideline of Monadnock Road, then turning and running northeasterly 115.50' across Monadnock Road to the side property line of #1 Monadnock Road, then turning and running northwesterly 155.58' along the southwesterly property line of #163 Pleasant Street, then turning and running northeasterly 154.4' along the rear property line of #163 and #159 Pleasant Street to Gray Street, then turning and running northwesterly 40.0' along the southwesterly sideline of Gray Street and turning and running northeasterly 140.0' across Gray Street and the rear property line of #149 Pleasant Street, then turning and running northwesterly 70.0' along the southwesterly property line of #145 Pleasant Street, then turning and running northeasterly 96.02' along the rear property line of #145 Pleasant Street to Irving Street, then turning and running northwesterly 70.0' along the southwesterly side of Irving Street, then turning and running northeasterly 114.0' across Irving Street and along the rear property line of #141 - #143 and #137 - #139 Pleasant Street, then turning and running northwesterly 100.0' along the southwesterly property line of #135 Pleasant Street, then turning and running northeasterly 286.0' along the rear property line of #135 and #129 Pleasant Street, then turning and running northwesterly 115.0' along the southwesterly property line of #125 Pleasant Street, then turning and running northeasterly 100.88' along the rear property line of #125 Pleasant Street, then turning and running southeasterly 163.86' along the northeasterly property line of #125 Pleasant Street, then turning and running northeasterly 116.30' along the rear property line of #119 Pleasant Street to Oak Knoll, then turning and running southeasterly 23.0' along the southwesterly sideline of Oak Knoll, then turning and running northeasterly 153.0' across Oak Knoll and along the rear property line of #111 Pleasant Street, then turning and running southeasterly 12.0' along the northeasterly property line of #111 Pleasant Street, then turning and running northeasterly 100.97' along the rear property line of #105 Pleasant Street to Pelham Terrace, then turning and running southeasterly 25.0' along the southwesterly sideline of Pelham Terrace then turning and running northeasterly on three courses 103.36', 16.97' and 26.0' across Pelham Terrace and along the rear property line of #93 Pleasant Street, then turning and running northwesterly 86.0' along the southwesterly property line of #87 Pleasant Street, then turning and running northeasterly 84.13' along the rear property line of #87 Pleasant Street, then turning and running southeasterly 65.84'

along the northeasterly property line of #87 Pleasant Street, then turning and running northeasterly 145.42' along the rear property line of #75 Pleasant Street to Maple Street, then turning and running southeasterly 196.95' along the southwesterly sideline of Maple Street to Pleasant Street, then turning and running northeasterly 485' along the northwesterly sideline of Pleasant Street, then turning and running southeasterly 70.0' across Pleasant Street to the point of beginning.

All of the forgoing measurements being more or less; and shown on a plan entitled "Pleasant Street Historic District, Arlington, Massachusetts", by C. F. Rinciari, Town Engineer, dated January, 1988.

B. Enlargement (voted 4/29/91) Added the properties numbered 8, 11, 14, 15, 18, 19-21, 20, and 23-25 Wellington Street, said properties being bounded and described as follows:

Beginning at a point on the northwesterly corner of the rear property line of the property numbered 8 Wellington Street, said point abutting the Pleasant Street Historic District, thence going southwesterly along the northwesterly sideline of 8 Wellington Street a distance of 76.15 feet to an angle point, thence going northwesterly along said property line a distance of 8.0 feet to an angle point, thence going southwesterly along the same property line and across Wellington Street, a distance of 132.99 feet to a point on the southerly sideline of Wellington Street, thence going southeasterly along the southerly sideline of Wellington Street a distance of 70 feet to a point, thence going southwesterly along the northwesterly lot line of the property numbered 11 Wellington Street a distance of 90.0 feet to a point on the rear property line of said property, thence going southeasterly along the rear lot lines of properties numbered 11, 15, 19, 23-25 Wellington Street a distance of 320.0 feet to a point at the southerly sideline of the property numbered 23-25 Wellington Street, thence going northeasterly along said sideline a distance of 90.0 feet to the southerly sideline of Wellington Street, thence going northwesterly along the southerly sideline of Wellington Street a distance of 87.7 feet to a point, thence going northeasterly across Wellington St. and along the northerly sideline of Lombard Terrace distances of 40 feet and 94.4 feet to a point at the rear lot line of the property numbered 20 Wellington Street, thence going northwesterly along the rear

property line of the properties numbered 20 and 18 Wellington Street distances of 60.95 and 80.2 feet to a point on the southerly sideline of the property numbered 14 Wellington Street, thence going northeasterly on said property line a distance of 74.73 feet to a point on the rear property line, thence going northwesterly along the rear property line of the properties numbered 14 and 8 Wellington Street a distance of 154.15 feet to the point of beginning.

Be all of said measurements more or less, and shown on a plan entitled "Pleasant Street Historic District Expansion, Arlington, Mass." November 1990, by C. F. Rinciari, Town Engineer.

C. Second Enlargement (*ART. 58, ATM - 05/06/02*)

Added thereto the land and buildings now known as and numbered 7, 11, 12, 14, 16, and 17 Pelham Terrace, and 30 Academy Street (formerly called 20 Pelham Terrace), said properties being bounded and described as follows:

Beginning at a point in the southeasterly corner of the rear property line of the property numbered 12 Pelham Terrace, said point abutting the Pleasant Street Historic District, thence going northwesterly along the rear lot lines of the properties numbered 12, 14 and 16 Pelham Terrace a distance of 208.15 feet to a point at the southeasterly corner of the property numbered 30 Academy Street, thence continuing northwesterly along the southerly lot line of the property numbered 30 Academy Street a distance of 122 +/- feet to a point at the rear property line of the property numbered 32 Academy Street, thence going northeasterly along said lot line a distance of 60.0 feet to a point, thence going northwesterly along said lot line of the property numbered 32 Academy Street a distance of 10.0 feet to a point, thence going northerly and Northwesterly on two courses along said lot line of the property numbered 32 Academy Street distances of 74.24 feet and 83.58 feet to the easterly sideline of Academy Street, thence continuing northeasterly along the easterly sideline of Academy Street a distance of 20.75 feet to a point, thence going southeasterly along the southerly sideline of the property numbered 28 Academy Street distances of 75.05 feet and 65.20 feet to a point, thence going northeasterly along the rear lot line of the property numbered 28

Academy Street a distance of 48.35 feet to a point on the northerly sideline of said property, thence going southeasterly on the northerly sideline of the property numbered 30 Academy Street and along the rear property line of the properties numbered 17, 11 and 7 Pelham Terrace a distance of 341.97 to a point on the existing Pleasant Street Historic District line and the rear lot line of the property numbered 93 Pleasant Street, thence going southwesterly along the rear lot line of said property a distance of 26.0 feet to a point, thence going southeasterly along the same lot line a distance of 16.97 feet to a point, thence continuing southwesterly along the same lot line and across Pelham Terrace, distances of 63.36 feet and 40.0 feet to a point on the southerly sideline of Pelham Terrace, a distance of 25 feet +/- to a point at the northeasterly sideline of the property numbered 12 Pelham Terrace, thence going southwesterly along said sideline a distance of 100.97 feet to the point of beginning. As shown on a Plan entitled "Pelham Terrace Historic District Expansion, Arlington, Massachusetts" by Richard A. Bento, Town Engineer, December 2001.

D. Third Enlargement (*ART. 23, ATM – 05/21/05*)

Added thereto the land and buildings now known as and numbered 5-7, 9, 11, 13, 19, 20, 22, 23, 24, 26, 26A, 28, 29, 32, 33, 34, 35, 36, 38, 41, 42, 44, 48, 49, 50, 51, 53, 54, & 55 Academy Street, 17 Irving Street, 14, 16, 19, 20, 21, 23, 24, & 28 Maple Street, 734-36 Massachusetts Avenue, and 67 Pleasant Street, said properties being bounded and described as follows:

Starting at a beginning point on the northwesterly sideline of Academy Street 91.53 feet from the easterly sideline of Irving Street, thence going northwesterly a distance of 186.20 feet to a point, thence going northeasterly a distance of 115.70 feet to a point, thence going southeasterly a distance of 19.08 feet to a point, thence going northeasterly a distance of 114.78 feet to a point, thence going southeasterly a distance of 100.00 feet to a point, thence going northeasterly a distance of 191.80 feet to a point, thence going southeasterly a distance of 15.00 feet to a point, thence going northeasterly a distance of 860.24 feet to a point, thence going easterly a distance of 12.00 feet to a point, thence going northeasterly a distance of 98.55 feet to a point,

thence going southeasterly a distance of 77.00 feet to a point (being the southerly sideline of Massachusetts Avenue), thence going southwesterly a distance of 231.00 feet to a point, thence going southerly a distance of 45.00 feet to a point, thence going southeasterly a distance of 372.15 feet to a point, thence going southwesterly a distance of 135.00 feet to a point, thence going southeasterly a distance of 18.95 feet to a point, thence going southwesterly a distance of 106.00 feet to a point, thence going southeasterly a distance of 20.00 feet to a point, thence going northeasterly a distance of 106.00 feet to a point, thence going southeasterly a distance of 316.40 to a point on the northwesterly sideline of Pleasant Street, thence going southwesterly a distance of 165.83 feet to a point, thence going northwesterly a distance of 204.50 feet to a point, thence going southwesterly a distance of 145.42 feet to a point, thence going northerly a distance of 64.60 feet to a point, thence going southwesterly a distance of 84.12 feet to a point, thence going northwesterly a distance of 259.75 feet to a point, thence going southwesterly a distance of 48.35 feet to a point, thence going northerly a distance of 140.25 feet to a point, thence going southwesterly a distance of 20.75 feet to a point, thence going southerly a distance of 83.68 feet to a point, thence going southwesterly a distance of 74.24 feet to a point, thence going southeasterly a distance of 10.00 feet to a point, thence going southwesterly a distance of 60.00 feet to a point (the previous 13 bounds being boundaries of the pre-existing Pleasant Street Historic District) thence going northwesterly a distance of 69.30 feet to a point, thence going southwesterly a distance of 63.10 feet to a point, thence going southeasterly a distance of 25.00 feet to a point, thence going southwesterly a distance of 68.65 feet to a point, thence going southeasterly a distance of 110.00 feet to a point, thence going westerly a distance of 49.83 feet to a point, thence going southwesterly a distance of 78.05 feet to a point, thence going northerly a distance of 16.00 feet to a point, thence going westerly a distance of 100.88 feet to a point, thence going southerly a distance of 112.00 feet to a point, thence going westerly a distance of 46.69 feet to a point, thence going southwesterly a distance of 292.66 feet to a point, thence going northwesterly along a curve (being the westerly sideline of Irving Street) a distance of 323.76 feet to a point, thence going northeasterly a distance of 131.53 feet to the point of beginning. All of said dimensions being more or less, or however said area

may be otherwise bounded and described. Shown on a plan entitled "Academy and Maple Street Expansion of the Pleasant Street Historic District, Arlington-Mass January 2005" by Ronald Santosuosso, Town Engineer, dated 1/14/05."

E. Fourth Enlargement (*ART. 34, ATM - 4/26/06*)

Added thereto the land and buildings now known as and numbered 7, 11, 15, 17, 19, 20 21, and 24 Oak Knoll, and a portion of the rear yard of 119 Pleasant Street, said properties being bound and described as follows:

Starting at a beginning point on the southwesterly sideline of Oak Knoll, about 148 feet northwesterly of the northwesterly sideline of Pleasant Street, and running southwesterly 116.3 feet through the property now known as and numbered 119 Pleasant Street, then turning and running northwesterly 147.86 feet along the side yard of said 119 Pleasant Street and the rear yards of 20 and 24 Oak Knoll, then turning and running northerly along the property line of said 24 Oak Knoll 78.05 feet, then turning and running northeasterly by the same, 49.83 feet, then turning and running northwesterly along the property line of 21 Oak Knoll, 110 feet, then turning and running northeasterly by the same 68.65 feet, then turning and running northerly by the property line of 19 Oak Knoll 25 feet, then turning and running northeasterly by the same, 63.1 feet, then turning and running southeasterly by the property lines of 19, 17, 15, 11, and 7 Oak Knoll, in three courses, 69.3 feet, 122± feet, and 196+ feet, then turning and running southwesterly along the property lines of 7 Oak Knoll and 111 Pleasant Street, and across Oak Knoll, 153 feet, then turning and running northwesterly along the aforesaid southwesterly sideline of Oak Knoll 23 feet to the point of beginning. All of said dimensions being more or less, or however said area may be otherwise bounded and described. Meaning and intending to include all of the land and buildings lying between Pleasant Street and Academy Street and not heretofore made part of the Pleasant Street Historic District. Shown on a plan entitled "Oak Knoll Expansion of the Pleasant Street Historic District, Arlington Mass January 2006" by Ronald Santosuosso, Town Engineer, dated 1/31/06.

Section 5. Description of the Mount Gilboa/Crescent Hill Historic

District (Voted - 4/29/91) (Voted - 04/27/15)

The Mount Gilboa/Crescent Hill Historic District is bounded and described as follows:

Beginning at a point on the Arlington - Lexington Town line at the intersection of the lot line between the properties numbered 195 and 197 Westminster Avenue, thence going northeasterly along said lot line and the lot line between the properties numbered 110 and 118 Crescent Hill Avenue, thence across Crescent Hill Avenue and along the lot line between the properties numbered 109 and 117 Crescent Hill Avenue a total distance of 480 feet to the northerly lot corner of the property numbered 109 Crescent Hill Avenue, thence turning southeasterly along the rear property line of said property a distance of 100.0 feet to the easterly lot corner of said property thence turning northeasterly and going along the property line numbered 105 Crescent Hill Avenue a distance of 50.0 feet to the northerly lot corner of said property, thence turning southeasterly along the rear lot line of said property a distance of 100.0 feet to the easterly lot corner of said property, thence turning and going southwesterly on side line of said property a distance of 60.0 feet to the northerly lot corner of the property numbered 93 Crescent Hill Avenue, thence going southeasterly along the rear lot line of said property and to the centerline of Montague Street, a distance of 120.0 feet, thence turning and going southwesterly along the center line of Montague Street a distance of 50.0 feet to a point, thence turning and going southeasterly across Montague Street and along the rear lot line of the property numbered 79 Crescent Hill Avenue a distance of 120.0 feet to the easterly lot corner of said property, thence turning and going northeasterly along the property line numbered 69 Crescent Hill Avenue a distance of 60 feet to the northerly lot corner of said property, thence turning and going southeasterly along the rear property lines of said property and 61 Crescent Hill Avenue a distance of 200.0 feet to the easterly lot corner of the property numbered 61 Crescent Hill Avenue, thence turning and going southwesterly along said lot line a distance of 80.0 feet to the northerly lot corner of the property numbered 57 Crescent Hill Avenue, thence turning and going southeasterly and southerly on two courses, distances of 42.0 feet and 67.47 feet to the side line of Westmoreland Avenue,

thence going southeasterly across Westmoreland Avenue a distance of 20.0 feet to the center line of said street, thence turning and going northeasterly along the centerline of Westmoreland Avenue, a distance of 64.47 feet to a point, thence turning southeasterly and going across Westmoreland Avenue and along the rear lot line of the property numbered 41 Crescent Hill Avenue a distance of 70.0 feet to the easterly lot corner of said property, thence going southwesterly along sideline of said property and across Crescent Hill Avenue a distance of 120.0 feet to the centerline of Crescent Hill Avenue, thence turning and going southeasterly along the centerline of Crescent Hill Avenue a distance of 50.0 feet to a point, thence going southwesterly across Crescent Hill Avenue and along the rear property line of the properties numbered, 53, 49 and 45 Westmoreland Avenue a distance of 170.0 feet to the northerly lot corner of the property numbered 115 Westminster Avenue, thence turning and going southeasterly along the rear lot lines of the properties numbered 115, 109 and 103 Westminster Avenue a distance of 240.0 feet to the easterly lot corner of the property numbered 103 Westminster Avenue, thence going southwesterly along sideline of said property a distance of 40.0 feet to the northerly lot corner of the property numbered 99 Westminster Avenue, thence going southeasterly along the rear line of said property and of the property numbered 97 Westminster Avenue a distance of 97.2 feet to the northwesterly sideline of Park Place, thence southeasterly across Park Place a distance of 17 feet more or less to the southeasterly sideline of Park Place, thence turning and going easterly and northeasterly in two courses along said sideline and across Madison Avenue, distances of 160 feet more or less, and 410 feet more or less to the northeasterly sideline of Madison Avenue, thence turning and going northwesterly 60.0 feet along the northeasterly sideline of Madison Avenue, thence turning and going northeasterly along a lot line of conservation land a distance of 300.0 feet to the southwesterly sideline of Orient Avenue, thence turning and going southwesterly along said sideline of Orient Avenue, a distance of 242.0 feet to the northwesterly sideline of Summit Street, thence continuing southwesterly across Summit Street a distance of 57 feet more or less to the southeasterly sideline of Summit Street thence turning and going southwesterly and southerly on the southeasterly sideline of Summit Street on a curve to the left with a radius of 649.25 feet a distance of 360 feet more or less to the

centerline of Alpine Street, thence turning and going southwesterly across Alpine Street, a distance of 60 feet more or less to a point on the northwesterly sideline of Alpine Street, thence continuing southwesterly along a lot line of conservation land a distance of 340 feet more or less to a point, thence continuing southwesterly along the rear lot lines of the properties numbered 14 and 8-10 Park Avenue Extension a distance of 53 feet more or less to a point at the intersection of the southwesterly lot line of the property numbered 8-10 Park Avenue Extension, thence turning and going southeasterly along said sideline and to the centerline of Park Avenue Extension distances of 245.75 feet and 20 feet, thence going southerly along the centerline of Park Avenue Extension a distance of 190 feet more or less to the intersection of the centerline of Lowell Street, thence turning and going westerly along the centerline of Lowell Street a distance of 365 feet more or less to a point opposite the easterly lot line of the property numbered 131 Lowell Street, thence turning and going northerly across Lowell Street and along the easterly lot line of said property, distances of 25.0 feet and 60.87 feet to the northeasterly lot corner of said lot, thence going northwesterly along the rear lot lines of the properties numbered 131, 133, 135 and 137 Lowell Street a distance of 151.80 feet to the southerly lot line of the property numbered 42-44 Westminster Avenue, thence turning and going southwesterly along said lot line and the southerly lot line of the property numbered 147 Lowell Street a distance of 108.33 feet to the northeasterly sideline of Lowell Street, thence going northwesterly along the northeasterly sideline of Lowell Street a distance of 263.5 feet to a point at the intersection of the southeasterly sideline of the property numbered 159 Lowell Street, thence turning and going northeasterly along said sideline a distance of 90.0 feet to the northeasterly lot corner of said property, thence turning and going northwesterly along the rear lot lines of the properties numbered 159, 163 and 167 Lowell Street distances of 45.25, 34.75 and 45.0 feet to the northerly lot corner of the property numbered 167 Lowell Street, thence going northeasterly along the lot line of the property numbered 169 and 171 Lowell Street a distance of 10.0 feet to the easterly lot corner of said property, thence turning and going northwesterly along said rear lot line a distance of 60.0 feet to the northerly lot corner of said property, thence turning and going southwesterly along said lot line a distance of 102.0 feet to the northeasterly sideline of

Lowell Street, thence turning and going northwesterly along the northeasterly sideline of Lowell Street, a distance of 467 feet more or less to the intersection of the southeasterly lot line of the property numbered 209 Lowell Street, thence turning and going northeasterly along said lot line and the rear lot lines of the properties numbered 7, 11 and 15 West Court Terrace a distance of 219.79 feet, thence continuing northeasterly along the southeasterly lot line of the property numbered 105 Westminster Avenue a distance of 10.0 feet to a point, thence turning and going northwesterly through said property and the property numbered 110 Westminster Avenue and continuing along the rear lot lines of the properties numbered 114 and 118 Westminster Avenue a distance of 200 feet more or less to the rear lot corner of the property numbered 16 West Court Terrace, thence turning and going southwesterly along the rear lot line of the properties numbered 16 and 12 West Court Terrace a distance of 100 feet more or less to the northeasterly lot corner of the property numbered 221 Lowell Street, thence turning and going northwesterly along the rear lot line of said property a distance of 51.0 feet to the northwesterly lot corner of said property, thence turning and going southwesterly along said sideline a distance of 84.9 feet to the northeasterly sideline of Lowell Street, thence turning and going northwesterly along the northeasterly sideline of Lowell Street a distance of 193.78 feet to the rear lot line of the property numbered 4 Westmoreland Avenue, thence turning and going northeasterly along the rear property lines of said property and Lot B a distance of 103.48 feet to the northeasterly lot corner of the property known as lot Pt. 9 and Pt. 10 on Lowell Street, thence turning and going northwesterly along the rear line of said property a distance of 50.0 feet to the northwesterly lot corner of said lot, thence turning and going northeasterly and the southeasterly lot line of the property numbered 243 Lowell Street a distance of 18.47 feet to the northeasterly lot corner of said property, thence turning and going along the rear lot lines of the properties numbered 243 and 251 Lowell Street in three courses distances of 100.0 feet northwesterly, 5.0 feet southwesterly and 50.0 feet northwesterly to the southeasterly lot line of the property numbered 255 Lowell Street, thence turning and going northeasterly along said lot line a distance of 10.0 feet to the northeasterly lot corner of said property, thence turning and going northwesterly along the rear lot lines of the properties numbered

255, 257 and 261 Lowell Street a distance of 200.0 feet to the northwesterly lot corner of 261 Lowell Street, thence turning and going southwesterly along the northwesterly lot line of said lot a distance of 15.8 feet to the northeasterly lot corner of 265 Lowell Street, thence turning and going northwesterly along the rear lot lines of the properties numbered 265 and 269 Lowell Street a distance of 100.30 feet to the northwesterly lot corner of the property numbered 269 Lowell Street, thence turning and going northeasterly on the southeasterly lot line of a property numbered 271 Lowell Street a distance of 11.0 feet to the rear corner of said property, thence turning and going northwesterly along the rear lot line of said property a distance of 53 feet more or less to the Lexington - Arlington Town Line, thence turning and going northeasterly along the Lexington - Arlington Town Line through the property number 194 Westminster Avenue and lot Pt. 15 and across Westminster Avenue a distance of 182 feet more or less to the point of beginning.

All the forgoing measurements being more or less; and shown on a plan entitled "Mount Gilboa/Crescent Hill Historic District, Arlington, Massachusetts", by C.F. Rinciari, Town Engineer, dated November, 1990.

**Section 6. Description of Avon Place Historic District
(Voted 4/22/96)**

The Avon Place Historic District is bounded and described as follows:

Beginning at a point on the southwesterly side of Massachusetts Avenue at the southerly sideline of the property at 390 Massachusetts Avenue and running Southwesterly 526.08 feet along said sideline, the rear lot lines of 8-10, 14, 16-18 and 22-24 Avon Place, and a portion of the way called Avon Place, then turning and running Northerly 218 feet more or less along said way and the rear lot line of the properties numbered 25 and 29 Avon Place being bounded on the west by land formerly of the Lexington and West Cambridge Railroad, then turning and running

Northeasterly in two courses, 336.25 feet and 13.62 feet along the sideline of said 25 Avon Place and the rear lot lines of 19, 15, and 11 Avon Place, then turning and running

Southeasterly 37.5 feet by the sideline of said 11 Avon Place, then turning and running Northeasterly again 87.12 feet by the rear lot line of 7 Avon Place and the sideline 400-402 Massachusetts Avenue, then turning and running

Northerly again 8.16 feet by said 400-402 Massachusetts Avenue, then turning and running

Northeasterly again in three courses 18.05 feet, 12.16 feet and 29.53 feet along the sideline of said 400-402 Massachusetts Avenue, then turning and running

Southerly 199 feet more or less along the front lot line of said 400-402 Massachusetts Avenue, said way, and the front lot line of said 390 Massachusetts Avenue, to the point of beginning. All of the foregoing measurements being more or less; and shown on a plan entitled "Avon Place Historic District, Arlington, Mass." by Jos. N. Loyacano, Town Engineer, dated August 1995.

**Section 7. Description of Jason/Gray Historic District
(Voted 5/4/98)**

**The Jason/Gray Historic District is bounded and
described as follows: (ART. 22, ATM – 05/04/98)**

Beginning at a point on the Southerly side of Massachusetts Avenue at the intersection of the Westerly side line of #7 Jason Street. Thence, going Easterly along the Southerly side of Massachusetts Avenue to the Easterly lot line of #742 Massachusetts Avenue a distance of 345.7 feet. Thence, turning Southerly along the Easterly lot line of #742 Massachusetts Avenue a distance of 98.55 feet. Thence, turning Westerly of said lot a distance of 12.40 feet. Thence, turning Southwesterly along the rear lot lines of #6, 10, 12, 14, 16, 20, 24, 26-28, 30-32, and 34 Jason Street a distance of 871.53 feet. Thence, turning Westerly along the Southerly lot line of #34 Jason Street a distance of 15.0 feet, thence, turning Southwesterly along the rear lot lines of #34, 40 and 44 Jason Street a distance of 197.12 feet. Thence, turning Westerly along the Southerly lot line of #44 Jason Street a distance of 102 feet more or less. Thence, turning Southerly through #51 Academy Street and along the rear lot line of #46 Jason Street distances of 10 feet and 104.78 feet. Thence, turning Westerly

along said lot a distance of 4.6 feet. Thence, turning Southerly along the rear lot lines of #46 and 50 Jason Street distances of 19.08 feet and 100 feet. Thence, continuing Southerly along the Easterly lot line of #51-53 Irving Street a distance of 16.0 feet, thence, turning Easterly along the rear lot line of #47 Irving Street and lot Pt. 5, a distance of 186.20 feet to the Northwesternly sideline of Academy Street. Thence, turning Southwesterly along said sideline of Academy Street to the Northeasterly sideline of Irving Street a distance of 91.53 feet. Thence, turning Southerly from side point across Irving Street to the Southwesterly sideline of Irving Street a distance of 40 feet. Thence, continuing Southerly along the Easterly lot line of #51-53 Irving Street a distance of 16.0 feet, thence, turning Easterly along the rear lot line of #47 Irving Street and lot Pt. 5, a distance of 186.20 feet to the Northwesternly sideline of Academy Street. Thence, turning Southwesterly along said sideline of Academy Street to the Northeasterly sideline of Irving Street a distance of 91.53 feet. Thence, turning Southerly from side point across Irving Street to the Southwesterly sideline of Irving Street a distance of 40 feet. Thence, turning Southeasterly along said sideline of Irving Street a distance of 189.31 feet more or less to the Easterly lot line of #24 Irving Street. Thence, turning Southwesterly along said lot line of #24 Irving Street distances of 56.38 and 74.94 feet. Thence, turning Southeasterly on said lot line a distance of 8.0 feet. Thence, turning Southwesterly on said lot line distances of 26.57 feet and 80.69 feet to the rear lot line of #24 Irving Street. Thence, turning Northwesternly along said lot line and along the Southerly lot line of #8 Ravine Street a distance of 135.02 feet. Thence, turning Southerly along the Easterly lot line of #33 Gray Street a distance of 125.90 feet.

Thence, turning Southwesterly across Gray Street to the Easterly lot line of #38 Gray Street intersecting with the Southerly sideline of Gray Street a distance of 68 feet more or less. Thence, turning Southerly along said Easterly lot line a distance of 197.65 feet. Thence, turning Northwesternly along the rear lot line of #38 Gray Street a distance of 146.68 feet. Thence, turning Northeasterly along the Westerly lot line of said lot a distance of 40.81 feet. Thence, turning Easterly a distance of 10.91 feet. Thence, turning Northeasterly along said lot line and across Gray Street a distance of 161.17 feet to the Southerly lot line of #13 Ravine Street.

Thence, turning Westerly along the Southerly lot line of #13 Ravine Street a distance of 34 feet more or less. Thence turning Northerly along the rear lot line of #13 Ravine Street a distance of 103.75 feet. Thence, turning Westerly along the Southerly sideline of #9 Ravine Street a distance of 59.0 feet. Thence, turning Northerly along the rear lot line of said lot a distance of 80.29 feet. Thence, turning Westerly along the Southerly lot line of #72 Jason Street a distance of 89.86 feet to the Easterly sideline of Jason Street. Thence, turning Northeasterly along the frontage of #72 Jason Street a distance of 168.54 feet intersecting with the Southerly sideline of Irving Street. Thence, turning Northwesterly across Irving Street and Jason Street to a point of intersection at the Southerly lot line of #59 Jason Street and the Westerly sideline of Jason Street a distance of 53.0 feet more or less. Thence, turning Westerly along said lot and lot 37B and the Northerly sideline of Irving Street a distance of 127.50 feet. Thence, turning Northeasterly along the rear of #59 Jason Street a distance of 81.0 feet. Thence, turning Northwesterly along the Southerly lot Northerly sideline of said lot a distance of 84.90 feet. Thence, turning Northeasterly along the rear lot lines of #51, 45, 41, 37-39, 35, 31, 27 Jason Street, 14 & 11 Jason Court and 17 Jason Street a distance of 877.12 feet more or less. Thence, turning Easterly along the Northerly sideline of #17 Jason Street a distance of 86.97 feet. Thence, turning southerly along said lot a distance of 20.0 feet. Thence, turning Easterly along the Northerly sideline of said lot a distance of 90.0 feet. Thence, turning Northerly along the rear of #15-15A Jason Street and across Jason Terrace a distance of 115 feet. Thence, turning Westerly along the Northerly sideline of Jason Terrace a distance of 50.0 feet more or less. Thence, turning Northerly along the rear lot line of #7 Jason Street a distance of 85.0 feet. Thence, turning Easterly along the rear lot line of #7 Jason Street a distance of 2.0 feet. Thence, turning Northerly along the rear of #7 Jason Street a distance of 152.0 feet to the point of beginning.

All the foregoing measurements being more or less, and shown on a plan entitled "Jason/Gray Historic District, Arlington, Mass. By Richard A. Bento, Town Engineer, dated October 1997."

ARTICLE 3

DISTRICT COMMISSIONS

Section 1. Establishment of Commissions.

There is a separate Historic District Commission for each of the Districts. Each Commission consists of seven members appointed by the Select Board.

Section 2. Composition of Commissions.

(ART. 12, ATM – 04/28/03)

Each Commission consists of seven persons, six of whom serve on all of the Commissions (hereinafter referred to as the “at large” Commissioners) and one of whom is a resident or property owner from each respective district.

For purposes of this section, the term, partnership, “resident or property owner” shall include the designee of a property owner which is a corporation trust, or other such entity. The at large Commissioners shall include a nominee of The Arlington Historical Society, a nominee of the Chapter of the American Institute of Architects covering Arlington, a nominee of the Board of Realtors covering Arlington, and three residents of the Town, or persons having a principal place of business in the Town, who have knowledge or background in the areas of history, architecture, historic preservation, law, urban design, or other relevant disciplines.

In the event that the Select Board (or the Commissioners on their behalf) request nominations from the three organizations above-referenced, and no such nominations are received by them within thirty (30) days, the Select Board may appoint any resident of the Town to such position, provided that such appointees are a member of The Arlington Historical Society, an architect, or a realtor, respectively. In the event that, after a diligent effort the Select Board (or the Commissioners on their behalf) are unable to find or persuade any resident or property owner in a particular district to serve as the district representative, then the Select

Board may appoint any resident of the Town to such position for a term that will end when a resident or property owner of such district evinces their willingness to serve and is duly appointed by the Select Board.

Section 3. Alternate Members.

(ART. 12, ATM – 04/28/03)

A. Designation. In the case of vacancy, absence, or inability or unwillingness to act because of personal interest or other reason on the part of one or more of the Commissioners, the Chairperson (or, in their absence the Vice Chairperson or acting chairperson shall designate one of the alternate members to act as a voting member of the relevant Commission for the duration of such vacancy, absence, or inability or unwillingness to act as the case may be, and may revoke such designation.

B. Appointment. The Select Board may from time to time appoint alternate members for terms of three years. In addition to such appointees, the following shall be ex-officio alternate members of each Commission: the resident or property owner representatives on each of the other Commissions and the members of the Arlington Historical Commission.

Section 4. Associate Members.

The Commissions may, from time to time, appoint associate members, without voting rights, for terms of one year.

Section 5. Term of Office.

Each Commissioner shall be appointed to a term of three years and shall serve until their successor is appointed and qualified, provided that those Commissioners in office at the effective date of this By-law will continue in office until the terms to which they were theretofore appointed have expired. In the event of a vacancy caused by death, resignation, or other cause, the appointment shall be until the expiration of the term to which the Commissioner was appointed. In the case of a Commissioner who was originally appointed by reason of being a nominee of one of the three organizations listed in Section 2 of this Article 3, the Select Board may appoint such person to one or more subsequent terms without again requesting nominations from such organizations, provided that the person

remains a member of The Arlington Historical Society, an architect, or a realtor respectively.

Section 6. Officers.

The Commissions shall annually elect from their membership as a whole a Chair, a Vice Chair, and a Secretary, and, subject to appropriation, an Executive Secretary from outside their membership.

Section 7. Operation.

The several Commissions shall meet and deliberate collectively, but only the seven members of a particular Commission shall vote upon the issuance or denial of certificates, or upon other matters which come before them, with respect to such District.

**ARTICLE 4
AUTHORITY OF COMMISSIONS AND LIMITATIONS
THEREON**

Section 1. Powers of the Commissions

No building or structure within any District shall be removed, constructed or altered in any way that affects the exterior architectural features unless the relevant Commission shall first have issued a certificate of appropriateness, non-applicability, or hardship with respect to such removal, construction, or alteration.

Any person who desires to obtain any one of such certificates shall file with such Commission an application therefor in such form as the Commission may reasonably determine, together with such plans, elevations, materials, or other information (including, in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter) as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

No permit for the construction of a building or structure or for alteration of an exterior architectural feature within the District and no permit for the demolition or removal of a building or structure within the District shall be issued by any officer or department of the Town until the certificate required by this section has been issued by the relevant Commission.

Section 2. Factors to be Considered by the Commissions

In passing upon matters before it, the relevant Commission shall consider, among other things, the historic and architectural value and significance of the site, building, or structure, the general design, arrangement, texture, material, and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may in appropriate cases impose dimensional and set-back requirements other than those required by the Zoning By Law.

The Commission shall not consider interior arrangements or architectural features not subject to public view.

Section 3. Limitations on Authority of Commissions

Except to the extent specifically prohibited by General Laws, Chapter 40C, the authority of the Commissions shall be limited in that they shall not have power to review the following:

- A. Temporary structures or signs**, subject however, to such conditions as to duration of use, location, lighting, removal, and similar matters as the relevant Commission may reasonably specify.
- B. Terraces, walks, driveways, sidewalks, and similar structures**, or any one or more of them, provided that any such structure is substantially at grade level.
- C. Walls and fences**, or either of them, except those which front directly on a public way, or on a private way open to public travel.
- D. Storm doors and windows**, screens, window air conditioners, lighting fixtures, antennae, and similar appurtenances, or any one or more of them.
- E. The color of paint.**
- F. The color of materials** used on roofs.

G. The reconstruction, substantially similar in exterior design of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

Section 4. Signs.

In addition to the provisions of the By-law regulating signs (Title V, Article 1) the following regulations are applicable to signs in Historic Districts:

A. Small signs on residences. Small signs on residential premises in connection with the use thereof for a customary home occupation or for professional purposes, provided that only one such sign is displayed in connection with such residence.

A small sign is defined as one which is one square foot or less in area, and such a sign does not require a certificate from the relevant Commission.

B. Signs on commercial premises. Larger signs on premises used for non-residential purposes, provided that there shall not be more than one sign for each use, and that such signs shall consist of letters painted on or carved into wood without symbols or trademarks. A larger sign is defined as one which is twelve square feet or less in area, and such a sign does not require a certificate from the relevant Commission.

C. Illumination. Only indirect illumination is permitted on any sign in an Historic District.

D. When certificate required. Any sign which does not meet the descriptions in Subsections A and B above shall require a certificate from the relevant Commission, to be applied for in the manner described in the second paragraph of Section 1 of this Article 4, and to be subject to the criteria set forth in Section 2 of this Article 4.

E. Pre-existing signs. These regulations shall not apply to any sign which was in existence at the time of the establishment (or enlargement, if relevant) of any of the Districts.

Section 5. Remedies for Violations.
(ART. 18, ATM – 4/30/12)

A. Notice of Violation. If a Commissioner shall be informed or have reason to believe that any provision of this By-law or of Chapter 40C of the General Laws has been, is being, or may be violated, such Commissionershall make or cause to be made an investigation of the facts and inspect the property where the violation may exist.

If any such violation is found to exist the Chairperson of the Commissions, the Chairperson of the Commission, or the Vice-Chairperson if the former is unavailable, may cause a written notice of the purported violation to be served upon that individual(s) who are violating the provisions of the By-law or Chapter 40C or any approvals or certificates issued under the provisions of this By-law. Such notice shall direct the immediate suspension of any activity that creates the violation.

The relevant Commission shall convene at such time that it deems appropriate, to consider whether said suspension shall be made permanent and the appropriateness of other corrective orders. Failure to comply with an order of the Commission shall constitute a violation of the By-law and violators will be subject to a fine of \$50 per day; each and every day that a violation exists shall be considered a separate violation. Violators shall mean any individual who is performing the work that is the subject of the violation as well as the owner of the property at which the work is being performed. Any alleged violators shall be given written notice by the Commission of the precise violation and an opportunity to be heard at the Commission hearing convened to consider the same.

Any violator who refuses to suspend work once having been ordered to do so shall be subject to a fine in the amount of \$50; each and every day that the failure to suspend continues shall be considered a separate offense. No person having been served with

a notice to suspend shall leave any structure in such a condition so as to be a hazard to public safety.

B. Prosecution of Violation. In addition to non-criminal disposition pursuant to the provisions of Section 21D of Chapter 40 of the General Laws, the relevant Commission may institute the appropriate criminal action or a proceeding at law or in equity to prevent any unlawful action, use, or condition, and to restrain, correct, or abate such violation.

Nothing hereinabove shall be construed to limit the authority of the Inspector of Buildings to prosecute violations of this By-law, or of said Chapter 40C, which are also violations of the State Building Code or the Zoning By-law of the Town.

ARTICLE 5 MISCELLANEOUS

Section 1. No Compensation.

The members of the Commissions shall serve without compensation.

Section 2. Interpretation.

Except to the extent specifically provided in this By-law, the definitions of terms, and powers and codes of conduct of the Commissioners shall be set forth in Chapter 40C of the General Laws.

Section 3. Validity.

In the event that any section, paragraph, or part of this By-law is declared invalid by the Attorney General or a Court of competent jurisdiction, every other section, paragraph, and part shall continue in full force and effect.

Section 4. Transitional Provisions.

This revision and recodification of the Historic District By-laws shall take effect in the manner and at the time provided by the General Laws. As of such time, but not before then, the former Title VII shall be repealed, provided that certificates and proceedings of the Commissions thereunder shall continue in full force and effect.

TITLE VIII

PUBLIC HEALTH AND SAFETY

(ART. 45, ATM – 05/12/97)

ARTICLE 1

PUBLIC SAFETY AND GOOD ORDER

Section 1. Peeping Tom

No person shall, not being an officer of the law acting in the performance of their legal duty, enter upon any premises or into any building in Arlington with the intention of peeping into any building, or part thereof, or spying upon any person therein.

Section 2. Firearms

No person shall, except in the performance of some legal duty, discharge any firearms, or any air gun within the limits of the town, except by permission of the Select Board.

Section 3. Fireworks and Firecrackers

No person shall set off, explode or cause to explode any fireworks or firecrackers within the town except under such regulations as the Select Board may prescribe.

Section 4. Door-to-Door Solicitors

(ART. 13, ATM – 05/04/09)

A. Definitions; applicability

(1) As used in this section, the terms “solicit” and “canvass” shall mean and include any one or more of the following activities conducted at residences without the previous consent of the owner:

(a) Seeking to obtain the purchase, or orders for the purchase, of goods, wares, merchandise, foodstuffs, or services of any kind, character, or description whatsoever for any consideration whatsoever; or

(b) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication.

(2) The provisions of this section shall not apply to officers or employees of the Town, county, state, or federal government, or any subdivision thereof

when on official business, or to neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns or similar services to residents, nor shall it be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries from calling upon such customers.

(3) If any solicitor or canvasser is under the age of 18 years and is selling goods or periodicals for a commercial purpose, the provisions of M.G.L. c. 101, § 34, shall apply.

(4) The provisions of this section shall not apply to any person soliciting solely for religious, charitable, or political purposes.

B. Registration required

It shall be unlawful for any person to solicit or canvass or engage in or conduct business as a canvasser or solicitor without first having obtained a certificate of registration from the Chief of Police as provided in this section.

C. Application for certificate of registration

(1) Application for a certificate of registration shall be made upon a form provided by the Police Department along with a nonrefundable application fee of \$25.

(2) An authorized representative of the sponsoring organization shall apply to the Chief of Police or the Chief's designee either in person or by mail. All statements made on the application or in connection therewith shall be made under the pains and penalties of perjury. The applicant shall provide all information requested on the application, including:

- (a) Name, address and telephone number of the sponsoring organization, along with a listing of all officers and directors;
- (b) State and/or federal tax identification number of the sponsoring organization;
- (c) Name, residential and business address, length of residence at such residential address, telephone number, social security number, and date of birth of each representative of the sponsoring organization who will be soliciting or canvassing in the Town,
- (d) Description sufficient for identification of the subject matter of the soliciting or canvassing in which the organization will engage;

- (e) Period of time for which the certificate is applied (every certificate shall expire one year from date of issue);
 - (f) The date of the most recent previous application for a certificate under this section;
 - (g) Any previous revocation of a certificate of registration issued to the organization or to any officer, director, or representative of the organization by any city or town and the reasons therefor;
 - (h) Any convictions for a felony, either state or federal, within five years of the application, by the sponsoring organization, any of its officers or directors, or any representative who will be soliciting or canvassing in the Town;
 - (i) Names of the three communities where the organization has solicited or canvassed most recently;
 - (j) Proposed dates, hours, and method of operation in the Town;
 - (k) Signature of authorized representative of the sponsoring organization.
- (3) A photograph of each representative of the sponsoring organization who will be soliciting or canvassing in the Town shall be attached to the application.
- (4) No certificate of registration shall be issued to any person or to any organization having an officer or director who was convicted of commission of a felony, either state or federal, within five years of the date of the application, nor to any organization or person whose certificate of registration has previously been revoked as provided below.
- (5) Fully completed applications for certificates shall be acted upon within five business days of receipt. The Chief of Police shall cause to be kept accurate records of every application received together with all other information and data pertinent thereto and of all certificates of registration issued under this section and of all denials.

(6) Upon approval of an application, each solicitor or canvasser shall be issued a certificate of registration to carry upon their person at all times while soliciting or canvassing in the Town and to display the certificate whenever asked by any police officer or any person solicited.

D. Revocation of certificate.

(1) Any certificate of registration issued hereunder may be revoked by the Chief of Police for good cause, including violation of any of the provisions of this section or a false statement in the application. Immediately upon such revocation, the Chief of Police shall give written notice to the holder of the certificate in person or by certified mail addressed to their residence address set forth in the application.

(2) Immediately upon the giving of such notice, the certificate of registration shall become null and void. In any event, every certificate of registration shall state its expiration date, which shall be one year from date of issue.

E. Deceptive practices

No solicitor or canvasser may use any plan, scheme, or ruse to misrepresent the true status or mission of any person conducting the solicitation or canvas in order to gain admission to the home, office, or other establishment of any person in the Town.

F. Duties of solicitors and canvassers

(1) It shall be the duty of every solicitor and canvasser going onto any premises in the Town to first examine whether there is a notice posted stating that no solicitors are welcome. If such notice is present, then the solicitor or canvasser shall immediately and peacefully depart from the premises.

(1) Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

G. Lawful hours to solicit or canvass

All canvassing or soliciting under this section shall be confined to the hours between 10:00 a.m. and 8:00 p.m. throughout the year.

H. Penalty for violations

Violation by a solicitor or canvasser of any provision of this section shall be punishable by a fine of not more than three hundred dollars but violation of M.G.L. c. 101, § 34, shall be punishable by a fine of not more than five hundred dollars or imprisonment of not more than six months, as provided therein.

Section 5. Second Hand Dealers

(ART. 18, ATM – 5/5/10), (ART. 10, ATM – 4/22/13)

- A. License Required.** The Select Board may license suitable persons to be Second Hand Dealers in accordance with Sections 54, 55, and 202 through 205 of Chapter 140 of the General Laws. No person may engage in the business of purchase, sale, or barter of junk, old metals, or second-hand articles within the Town without such a license.

Any licensed person must comply with the requirements of this section, as well as with any policies or procedures issued by the Select Board and any specific conditions imposed on a license by the Select Board in accordance with Paragraph (G), below.

- B. Sign Required, Premises.** Every person engaged in the business of purchase, sale, or barter of junk, old metals, or second-hand articles, keeping a shop, shall maintain in a conspicuous place in the shop a sign with the name of the owner and occupation legibly inscribed thereon.

- C. Records.**

- (i) Transaction Record.** Every dealer licensed under this section (hereinafter, “Licensed Dealer”) shall prepare a record (hereinafter, “Transaction Record”) of the acquisition of any article, good, or item subject to licensing hereunder, regardless of the manner of acquisition. Said record shall be dated and shall include:

- (a) The full name, current address, date of birth, and driver's license number or government-issued identification number of the person selling or bartering the article, good, or item that is received by the Licensed Dealer (hereinafter "Seller");
- (b) A full and accurate description of the article being received, including make, model, serial number(s), and any distinguishing marks or engravings;
- (c) The amount paid for the article or other terms of the receipt of the article;
- (d) The full name of the employee or other person receiving the article on behalf of the Licensed Dealer;
- (e) The number assigned to the transaction under Sub-Paragraph (iii), below;
- (f) A clear photograph of the article received by the Licensed Dealer;
- (g) A photocopy of the Seller's driver's license or other government-issued identification; and
- (h) The original signature of the Seller.

If the Chief of Police issues or approves a form to be used for Transaction Reports, that form shall be used by all Licensed Dealers.

- (ii) **Transmitting Records to Police Department.** Once per week and on the same day each week, every Licensed Dealer shall transmit to the Chief of Police or the Chief's designee copies of all Transaction Records reflecting receipt of any and all articles during the previous week.

If no articles were received during the previous week, the Licensed Dealer shall so notify the Chief of Police or the

Chief's designee in writing. These reports shall be transmitted electronically unless alternate arrangements are made with the Chief of Police or the Chief's designee.

- (iii) **Transaction Book.** Every Licensed Dealer shall maintain a bound book (hereinafter, "Transaction Book") with sequentially numbered pages in which all transactions shall be recorded with the information required by Paragraph (i)(a)-(e), above. Each transaction shall be assigned a number in sequential order, which number shall also be printed on or affixed to the article received in the transaction.
- (iv) **Maintaining Records, Inspection.** Every Licensed Dealer shall maintain all Transaction Records and Transaction Books on site for a period of at least three years from the date of the last transaction recorded. All Transaction Records and Transaction Books shall be open to inspection by the Chief of Police or the Chief's designee at any time.

D. Receipt of Items.

- (i) **From Minors, Prohibited.** No Licensed Dealer shall purchase, barter for, or otherwise acquire -- directly or indirectly -- any article from anyone under the age of 18.
- (ii) **Questionable Status, Reporting.** Any Licensed Dealer receiving any article under circumstances that would cause a reasonable person in the position of the Licensed Dealer to question whether the article might be stolen shall immediately report receipt of the article to the Chief of Police or the Chief's designee and shall immediately make the article available to the Police Department for inspection and identification.

E. Holding Period. No Licensed Dealer shall sell, barter, exchange, encumber, remove from the premises, or otherwise dispose of any article received under this section, or disguise, secrete, or alter the appearance of any such article until 30 days have elapsed since receipt of the article and until the Transaction

Record detailing the article's receipt has been transmitted to the Chief of Police or the Chief's designee.

- F. Inspections.** The shop of any Licensed Dealer and its contents regulated under this section shall be open to inspection by the Chief of Police or the Chief's designee at any time the shop is open for business.

The Chief of Police or the Chief's designee may report any violation of this section to the Select Board and/or may issue a notice of violation and penalty to the Licensed Dealer, as provided below.

- G. Enforcement.** The following penalties shall apply to violations of this section and shall be enforceable through criminal indictment or complaint under Section 21 of Chapter 40 of the General Laws or by non-criminal disposition under Section 21D of Chapter 40 of the General Laws:

1 st offense in calendar year	\$100
2 nd offense in calendar year	\$200
3 rd and subsequent offense in calendar year	\$300

In addition, for one or more violations of this section over any period of time, the Select Board may revoke any license in accordance with Section 54 of Chapter 140 of the General Laws or may impose any other sanction up to revocation, including but not limited to written warning, probation, imposition of conditions, or suspension.

Section 6. Cigarettes

(ART. 8, STM – 11/15/93)

The sale of cigarettes by machine is prohibited. Any person or entity that offers or permits the sale of cigarettes by machine on premises owned or controlled by said entity or person shall be punished by a fine of \$50 for the first offense and \$300 for each subsequent offense, each day thereof to be considered a separate offense.

**ARTICLE 2
CANINE CONTROL**

Section 1. Dogs (*ART. 13, ATM – 4/29/13*)

A. Nuisance and Dangerous Dogs

1. Definitions.

a. “Nuisance dog” is a dog that:

(i) by excessive barking or other disturbance is a source of annoyance to a sick person residing in the vicinity;

(ii) by excessive barking, causing damage or other interference, behaves in a manner that a reasonable person would find disruptive to quiet and peaceful enjoyment; or

(iii) has threatened or attacked livestock, a domestic animal, or a person in a manner not grossly disproportionate under all the circumstances.

b. “Dangerous dog” is a dog that either:

(i) without justification, attacks a person or domestic animal causing injury or death; or

(ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

c. No dog shall be deemed dangerous:

(i) solely based upon growling, barking, or both;

(ii) based upon the breed of the dog; or

(iii) if, at the time of the incident in question, the dog was reacting to another animal or person in a manner not grossly disproportionate to any of the following circumstances:

- (a) the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault;
- (b) the person attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
- (c) the person attacked or threatened was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog; or
- (d) at the time of the attack or threat, the person or animal attacked or threatened had breached an enclosure or structure, including but not limited to a gated and fenced-in area, in which the dog was kept apart from the public, without being authorized to do so by the owner of the premises.

A child under age 7 shall be rebuttably presumed not to have been committing a crime, provoking the dog, or trespassing at the time of the attack or threat.

2. Complaint. Any person may file a written complaint with the Select Board that a dog kept in the Town is a nuisance dog or a dangerous dog.
3. Disposition. The Select Board shall investigate or cause to be investigated the complaint, including an examination under oath of the complainant at a public hearing. Based on credible evidence and testimony presented at the public hearing, the Select Board or its designee ("Hearing Authority") shall take the following action:

- a. Nuisance dog. If the dog is complained of as a nuisance dog, the Hearing Authority shall either (a) deem the dog a nuisance dog; or (b) dismiss the complaint.
- b. Dangerous dog. If the dog is complained of as a dangerous dog, the Hearing Authority shall either (a) deem the dog a dangerous dog; (b) deem the dog a nuisance dog; or (c) dismiss the complaint.
- c. Report to Town Clerk. The Hearing Authority shall report any finding that a dog is a nuisance dog or a dangerous dog to the Town Clerk.
- d. Order valid throughout Commonwealth. Unless later overturned on appeal, any order of the Hearing Authority shall be valid throughout the Commonwealth.

4. Remedies.

- a. Nuisance dog. If the Hearing Authority has deemed the dog a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.
- b. Dangerous dog. If the Hearing Authority has deemed the dog a dangerous dog, it may order one or more of the following remedies:
 - (i) that the dog be humanely restrained, but no order shall require a dog to be chained or tethered to an inanimate object such as a tree, post, or building;
 - (ii) that the dog be confined to the premises of the owner or keeper, meaning securely confined indoors or confined outdoors in a securely enclosed pen or dog run area that has a secure roof, has either a floor secured to all sides or is embedded into the ground for at least two feet, and provides the dog with proper shelter from the elements;

- (iii) when removed from the premises of the owner or keeper, the dog be securely and humanely muzzled and restrained with a tethering device with a maximum length of three feet and a minimum tensile strength of three hundred pounds;
 - (iv) that the owner or keeper provide (i) proof of insurance of at least \$100,000 insuring the owner or keeper against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the intentional or unintentional acts of the dog; or (ii) proof that reasonable efforts were made to obtain such insurance;
 - (v) that the owner or keeper provide to the Town Clerk, the Animal Control Officer, or other entity as directed with identifying information for the dog including but not limited to photographs, videos, veterinary records, tattooing, microchip implantations, or a combination of these;
 - (vi) that the dog be altered so as not to be reproductively intact, unless the owner or keeper provides evidence of a veterinary opinion that the dog is medically unfit for such alteration; or
 - (vii) that the dog be humanely euthanized.
- c. Restrictions following dangerousness finding.
 - (i) No dog that has been deemed dangerous shall be ordered removed from the Town.
 - (ii) No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous under this Bylaw shall permit a child under the age of 17 to own, possess, or have care or custody of that dog.
 - (iii) No person shall transfer ownership or possession of a dog that been deemed dangerous under this Bylaw or offer

such dog for sale or breeding without informing the recipient of the dog of the finding of dangerousness.

- (iv) If, subsequent to a determination by a Hearing Authority or reviewing court that a dog is dangerous, such dog wounds a person or worries, wounds, or kills any livestock or fowl, the owner or keeper of the dog shall be liable in tort for treble damages.

5. Appeal. Within ten days of the issuance of any order under this section, the owner or keeper of the affected dog may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with Section 157 of Chapter 140 of the General Laws.

6. Impoundment Pending Appeal.

a. Order of impoundment. Pending an appeal, the Hearing Authority may petition the district court for an order to impound the dog at a shelter facility used by the Town. Failure to request such impoundment will not result in liability for the Town, the Hearing Authority, or any of its agents. The district court shall consider this petition in accordance with Section 157 of Chapter 140 of the General Laws.

b. Costs of impoundment.

- (i) If the district court affirms the Hearing Authority's order of euthanasia, the owner or keeper shall reimburse the Town for all reasonable costs incurred for the housing and care of the dog during the period of impoundment. The Town may recover unpaid charges by any of the following methods:

- (a) a lien on any real property owned by the owner or keeper of the dog; (b) an additional, earmarked charge on the vehicle excise of the owner or keeper of the dog; or (c) a direct bill sent to the owner or keeper of the dog.

- (ii) If the district court reverses the Hearing Authority's order of euthanasia, the Town shall pay all reasonable costs incurred for the housing and care of the dog during the period of impoundment.

7. Penalties.

- a. Seizure/impoundment. If an owner or a keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If it is the keeper in violation, all reasonable efforts shall be made to notify the owner of such seizure and impoundment and the owner may, within seven days, petition the Hearing Authority for return of the dog.
- b. Capture/euthanasia. A dog found to be in violation of a Hearing Authority order or district court issued under this section may be captured or detained by a police officer, animal control officer, or constable. In the case of a threat to public safety or of the dog is living in a wild state, the police officer, animal control officer, or constable may euthanize it humanely.
- c. Fines/imprisonment. A dog owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section shall be punished by a fine of not more than \$500 or imprisonment in a jail or house of correction for not more than 60 days, or both for a first offense or by a fine of not more than \$1,000 or imprisonment in a jail or house of correction for not more than 90 days, or both for a second or subsequent offense.
- d. Future licensure. Any owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section shall be prohibited from licensing a dog within the Commonwealth for five years.

C. Chaining or Tethering Dogs and Humane Conditions**(ART. 10, ATM – 04/23/18)**

1. No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than 5 hours in a 24-hour period or outside from 10:00 p.m. to 6:00 a.m. unless the tethering is not for more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper.. A tethering so employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used.

No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.

2. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
 - a. inside a pen or secure enclosure, if the following conditions are met:
 - (i) the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;
 - (ii) the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all 4 sides enclosed; and
 - (iii) the minimum height of the fence shall be adequate to successfully confine the dog;

- b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
 - c. a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:
 - (i) only 1 dog shall be tethered to each cable run;
 - (ii) the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;
 - (iii) there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;
 - (iv) the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and
 - (v) the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described herein; provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.
3. A person owning or keeping a dog confined outside in accordance with this section shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least 3 sides, roofed and have a solid floor.

The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.

4. No person owning or keeping a dog shall leave a dog chained or tethered outside for longer than 5 hours in a 24-hour period or outside from 10:00 p.m. to 6:00 a.m. unless the tethering is not for more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper.
5. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
6. No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purposes of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:
 - a. filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
 - b. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and
 - c. subjecting a dog to dangerous conditions, including attacks by other animals.

- d. leaving a dog outside when a weather advisory, warning or watch is issued by a local, state or federal authority or when outside environmental conditions including, but not limited to, extreme heat cold, wind, rain, snow or hail pose and adverse risk to the health or safety of the dog, unless tether is for not more than 15 minutes; and
- 7. No person shall confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
 - a. After making reasonable efforts to locate a motor vehicles owner, an animal control officer, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. Such personnel shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.
 - b. An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (a), and the Town shall be immune from criminal or civil liability that might otherwise result from removal.
- 8. A person who violates this sections 1 through 6 above shall, for a first offense, be issued a written warning or punished by a fine \$50, for a second offense, be punished by a fine of \$200 and for a third or subsequent offense, be punished by a fine of \$300, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.

A person who violates section "7" above shall, for the first offense be punished by a fine of \$150, for a second offense, be punished by a fine of \$300, and for a third and each subsequent offense, by a fine of \$300, and may be subject to prosecution under G.L. c. 272 section 77.

Section 2. Leashing of Dogs

(ART. 10, ATM – 04/28/03)

(ART. 27, ATM – 05/05/04)

(ART. 36, ATM – 05/12/10)

(ART. 19, ATM – 04/27/11)

(ART. 13, ATM – 04/29/13)

- A. Leash Required** No person owning or keeping a dog in the Town of Arlington shall permit such dog to be at large in the Town of Arlington elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person.

Such owner or keeper of a dog in the Town of Arlington, which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash not exceeding six feet in length.

In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

This provision shall not apply, however, in any area designated by the Board of Parks and Recreation Commissioners as a “Dog Park”, “Dog Run” or “Dog Exercise Area”.

In areas so designated, dogs are not required to be restrained by a leash provided the owner or keeper of such dog is present and attentive to the dog. The Board of Parks and Recreation Commissioners may designate a dog park, dog run, or dog exercise area only if same is enclosed by appropriate fencing to preclude the escape of any dog into any other area of the park or playground not so designated as a dog park, dog run, or dog exercise area.

- B. Enforcement** Any dog found to be at large in violation of this By-Law shall be caught and confined by the dog officer who shall

notify forthwith the licensed owner or keeper of said dog giving the owner or keeper a period of seven days within which to recover the dog.

Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper.

The dog officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into the officers' custody under this section, as provided for in this By-Law.

A dog officer having custody of a dog confined under this By-Law shall be allowed the sum of forty-dollars per day for each day of confinement for the care of such dog, payable by the owner or keeper thereof.

**C. Fines (*ART. 40, ATM – 05/08/91 (ART. 17, ATM – 04/26/06)*
(*ART. 19, ATM – 04/27/11*)**

Violations of Sections 2 of this Article shall be punishable as follows:

First offense	By a fine of \$ 75.00
Second offense	By a fine of \$100.00
Third offense	By a fine of \$150.00
Fourth and each subsequent offense	By a fine of \$200.00

The Park and Recreation Commission shall provide for a hearing process to consider community input regarding the creation, placement and use of dog parks, dog runs or dog exercise areas. The Commission shall adopt rules and regulations concerning these hearings subject to the approval of the Town Manager.

D. Notwithstanding the foregoing, from park opening time until 9 am, a maximum of two dogs per handler may be off-leash, under effective owner control, in all lands under control of the Parks and Recreation Commission except:

1. those lands directly contiguous to school properties;

2. within 15 feet of playground equipment;
3. by specific exclusion of the Parks and Recreation Commission.

Section 3. No Fouling of Sidewalks, Etc.

A. Duty to Dispose It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by their dog on any sidewalk, street or other public area in the Town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by their dog on any private property neither owned nor occupied by said person.

B. Duty to Possess Means of Removal No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog.

Furthermore, no person who owns, possesses or controls such dog shall appear with such dog on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.

C. Method of Removal and Disposal For the purposes of this regulation, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public.

Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of canine feces, or as otherwise designated as appropriate by the Board of Health.

D. Fines (*ART. 40, ATM – 05/08/91*)

Violation of Section 3 of this Article shall be punishable as follows:

First offense	By a fine of \$ 75.00
Second offense	By a fine of \$100.00
Third and each subsequent offense	By a fine of \$150.00

E. Exemption This regulation shall not apply to a dog accompanying any handicapped person who, by reason of their handicap, is physically

unable to comply with the requirements of this By-Law, or to any individual who utilizes a guide dog.

- F. Severability** The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 4. Licensing

(ART. 25, ATM – 04/27/88)

(ART. 23, ATM – 05/04/2009)

(ART. 13 -04/29/13)

A. Licensing Requirement.

1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Arlington shall obtain a license for the dog from the Town Clerk.

2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk.

3. Transfer. Within 30 days of moving into the Town within a licensing period, the owner or keeper of a dog must apply to the Town Clerk to transfer the dog's license. The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.

B. Conditions.

1. Rabies vaccination. The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Arlington Board of Health or the Town Clerk in accordance with Section 145B of Chapter 140 of the General Laws.

2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.
3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in Section 137D of Chapter 140 of the General Laws within the preceding five years.

C. License Forms.

1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.
2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

D. Tags.

1. Issuance. Along with the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Arlington, and the year of issue.
2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.
3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

E. Exemptions. The requirements of this section shall not apply:

(1) to a person to whom the applicable kennel license has been issued under this Bylaw and remains in force; or (2) to a dog housed in a research institution.

F. Fees. (*ART. 10, ATM – 04/23/18*)

1. Annual license fees. The annual license fees are as follows:

- a. female: \$20
- b. spayed female: \$15
- c. male: \$20
- d. neutered male: \$15

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

2. Failure to comply; penalties.

- a. Penalty for failure to comply with licensing requirements.

Failure to comply with this section shall be punishable by a fine of \$50.

- b. Additional late fees.

Failure to comply with this section within the first Thursday following 45 business days of the date that the licensing or re-licensing obligation arises shall be punishable by a fine of \$50.

An additional \$50 fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

3. Waiver of fees.

a. Service animal.

No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

b. Owner aged 70 and over.

If the Town so votes in accordance with Section 139(c) of Chapter 140 of the General Laws, no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older.

4. No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog.”; and

Section 5. Kennels (*ART. 13 -04/29/13*)

A. Personal Kennel (Kennel A)

1. License optional (Kennel A-1). An owner or keeper of four or fewer dogs, three months or older, may elect to secure a Personal Kennel License from the Town Clerk rather than licensing each dog under Section 4, above.
2. License mandatory (Kennel A-2). An owner or keeper of five or more dogs, three months or older, must secure a Personal Kennel License from the Town Clerk or other type of kennel license as may be applicable under this section.

3. Definition. A Personal Kennel is a pack or collection of five or more dogs (or fewer dogs, as in the case of a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1), three months or older, owned or kept under single ownership for private personal purposes.
4. Breeding. Breeding of dogs owned or kept under a Personal Kennel License may be done only for the purpose of improving, exhibiting, or showing the breed; for legal sporting activity; or for other personal reasons.
5. Sales allowed. Dogs bred at a Personal Kennel may be sold, traded, bartered, or otherwise distributed only by private sale to other breeders or individuals and not to wholesalers, brokers, or pet shops.
6. Sales prohibited, restricted. No holder of a Personal Kennel License may sell, trade, barter, or otherwise distribute any dog not bred from a personally owned dog, except dogs temporarily housed at a Personal Kennel in conjunction with an animal shelter or rescue program registered with the state Department of Agricultural Resources if the sale, trade, barter, or other distribution is not for profit.

B. Other Types of Kennels.

1. Commercial Boarding or Training Kennel (Kennel B)_is an establishment used for boarding, holding, day care, overnight stays, or training of animals that are not the property of the owner of the establishment where such services are rendered for a fee or other consideration and generally rendered in the absence of the owner of the animal. A “Commercial Boarding or Training Kennel” shall not include an animal shelter or animal control facility, a pet shop licensed by the state Director of Animal Health, a grooming facility operated solely for the purpose of grooming animals and not for overnight boarding, or an individual who temporarily and not in the normal course of business boards or otherwise cares for animals owned by others.

2. Commercial Breeder Kennel (Kennel C) is an establishment, other than a Personal Kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops for a fee or other consideration.
3. Domestic Charitable Corporation Kennel (Kennel D) is a facility operated, owned, or maintained by a domestic charitable corporation registered with the state Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, including a veterinary hospital or clinic operated by or under the supervision of a licensed veterinarian that operates consistent with such purposes while providing veterinary treatment and care.
4. Veterinary Kennel (Kennel E) is a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment and care; a “Veterinary Kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary case.

C. License Requirements

1. License required. A person or entity maintaining any type of kennel listed in this section (except a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1) shall obtain the appropriate kennel license from the Town Clerk and in accordance with procedures that the Town Clerk shall determine.
2. Renewal. Licenses issued under this section shall be renewed periodically in accordance with a schedule and procedures to be determined by the Town Clerk.
3. License fees, calculation, and exemption. The fees for licenses issued under this section will be established by the Town Clerk. For purposes of calculating kennel license fees, only dogs over

the age of six months shall be counted in the total number of dogs kept in a kennel. No kennel license fee shall be charged to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, abuse, or suffering.

4. Licensing inspection. No kennel license shall be issued or renewed until a kennel has passed inspection by the Town Animal Control Officer or designee.
5. Failure to comply, penalty. Failure to comply with the licensing requirements of this section shall be punishable by a fine of \$50.

D. Kennel Operation.

1. Standards. Kennels must be operated and maintained in a sanitary and humane manner.
2. Records. The name and address of the owner of each dog kept in a kennel, other than dogs belonging to the person maintaining the kennel, shall be kept at the kennel and available for inspection at any time.
3. Kennel tags. A holder of a kennel license shall cause each dog kept in its kennel to wear, while in the kennel, a collar or harness of suitable material to which a tag shall be securely attached. This tag shall be inscribed with the number of the kennel license, name of the Town of Arlington, and year of issue. Such tags shall be issued by the Town Clerk in such number as the number of dogs kept in the kennel.
4. Inspections. The Select Board, the Chief of Police, the Animal Control Officer or the agent of any of these ("Inspecting Authority") may inspect any kennel at any time for compliance with the above requirements.
5. License suspension, revocation. If the Inspecting Authority determines that the kennel is not being maintained in a sanitary

or humane manner or if records are not properly kept, the Inspecting Authority may revoke or suspend the kennel license.

E. Citizen Complaints.

1. Filing. Twenty-five citizens of the Town may file a petition with the Select Board stating that they are aggrieved or annoyed to an unreasonable extent due to excessive barking or other conditions associated with a kennel.
2. Hearing. Within seven days of the filing of such petition, the Select Board shall give notice to all interested parties of a public hearing concerning the petition to be held within fourteen days after the date of the notice.
3. Investigation. At the hearing, the Select Board may cause an investigation of the kennel that is the subject of the petition or take such other action as it deems prudent.
4. Disposition. Following the public hearing and any investigation or other proceedings, the Select Board may suspend or revoke the kennel license, may take other such action to regulate the kennel that it deems prudent, or may dismiss the petition. The Select Board shall cause written notice of any order issued under this section to be mailed immediately to the holder of the kennel license and the Town Clerk.
5. Appeal. Within ten days of the issuance of any order under this paragraph, the holder of the affected license may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with Section 137C of Chapter 140 of the General Laws.
6. Penalties. A person maintaining a kennel after revocation or during suspension of a license under this section shall be punished by a fine of \$250.”

Section 6. Non-Criminal Disposition
(ART. 40, ATM – 05/08/91)

Enforcement of Title VIII, Article 2, Sections 2 and 3, of the bylaws may, in the first instance, be pursued through the provisions of Section 21D of Chapter 40 of the General Laws, which provides for a non-criminal disposition.

The enforcing persons shall be any police officer of the Town, any employee of the Board of Health, or any Animal Control Officer of the Town.

ARTICLE 3
PUBLIC HEALTH REGULATIONS
(ART. 45, ATM – 05/12/97)

Section 1. Sewer Connection Requirement

Every building hereafter erected on a public street, court or passageway in this Town, in which there is a public sewer, shall unless otherwise ordered by the Board of Health, be required to be connected by a good and sufficient particular drain with said sewer.

Section 2. Privy Vault

No permanent privy vault or cesspool shall hereafter be constructed in this Town without a permit from, and in accordance with the rules and regulations of the Board of Health.

Section 3. Refuse Disposal

No person shall throw or put into or upon any public or private way, public enclosure or grounds, bodies of water, streams or brooks in this Town any decayed animal or vegetable matter, waste material of any kind, or other refuse whatever. Any person violating this section shall for each offense, be punished by a fine of twenty-five (\$25) dollars for the first offense; and fifty (50) dollars for each additional offense.

Section 4. Disinfection of Rooms

Upon the death, removal or recovery of a person ill with any communicable disease, the immediate family of such, or if in a lodging or boarding house, the proprietor thereof shall cause the room or rooms occupied by such person to be disinfected in a manner satisfactory to, and in accordance with the rules and regulations of the Board of Health.

***(ART. 17, ATM – 05/04/2009) – DELETION OF SECTION 5,
RABIES VACCINATION CLINIC
REMAINING SECTIONS WERE
RENUMBERED***

Section 5. Removal of Paint Regulated
(ART. 19, ATM – 04/28/10)

A permit is required for removal of paint by abrasive blasting, which shall include machine sanding, from any interior or exterior surface of any structure within the Town of Arlington. Such permits shall be granted in writing by the Board of Health only in accordance with the Town of Arlington Board of Health Rules and Regulations for Paint Removal. Violations of this section shall be punishable by a fine of \$50 for the first offense and \$200 for any subsequent offense. This section may be enforced by non-criminal disposition in accordance with G.L. c. 40, § 21D.

Section 6. Enforcement of Regulations
(ART. 47, ATM – 05/14/97)

Any regulations promulgated by the Board of Health may in the first instance be enforced by the non-criminal disposition procedure pursuant to the provisions of §21D of M.G.L. c.40. The enforcement person shall be any duly constituted agent of the Board of Health who shall be a Town employee.

Section 7. Revocation of Permits and Licenses
(ART. 48, ATM – 05/14/97)

The Board of Health is hereby authorized to suspend or revoke any license or permit it issues for good cause shown after a hearing.

Section 8. Prohibition of Products Containing Mercury
(ART. 31, ATM – 05/09/01)

The sale in the Town of devices or products containing mercury, with the exception of fluorescent bulbs, special purpose batteries and medical and dental devices as used by professional medical and dental personnel in medical and dental facilities is hereby prohibited.

ARTICLE 4
VEHICLES - RECREATION
(ART. 24, ATM – 05/05/04)

Section 1. Definitions

“Recreational Vehicle”, shall include the following types of registered or unregistered vehicles: motorized scooters, motorized skateboards, snowmobiles, all-terrain vehicles, go-carts, minibikes, and similarly styled vehicles.

“**Motorized Scooter**”, any multi-wheeled device that has handlebars, designed to be stood or sat upon by the operator, powered by an electric or gas powered motor that is capable of propelling the device with or without human propulsion.

“**Motorized Skateboard**”, any four or eight-wheeled device that is designed to be stood or sat upon by the operator, which may or may not have an upright handlebar for steering, which is powered by an electric or gas powered motor that is capable of propelling the device with or without human propulsion.

“**Way**”, any public highway or private way laid out under authority of Massachusetts General Laws dedicated to public use, including but not limited to Town streets and sidewalks, or any area under the control of the Town of Arlington, Arlington School Department, or Redevelopment Board or body having like powers, including but not limited to school grounds, parks, playgrounds, and parking lots and cemeteries.

Section 2. Recreational Vehicles; Operation Regulations:

No recreational vehicle shall be operated upon any way in the Town of Arlington by any person under sixteen (16) years of age, nor at a speed in excess of twenty-five (25) miles per hour by any person. No recreational vehicle shall be operated upon any way by any person not possessing a valid operator’s license pursuant to

General Laws Chapter 90 Section 8B, or by permit or license given by reciprocity to nonresidents under General Laws Chapter 90 Section 3 and Section 10.

Section 3. Exemptions:

The following recreational vehicles shall be exempt from the provisions of this By-Law:

- (a) Recreational Vehicles licensed by the Commonwealth of Massachusetts as Motor Vehicles,
- (b) Recreational Vehicles used by handicapped persons,
- (c) Equipment used for landscaping and snow removal,
- (d) Recreational Vehicles used by any governmental agency, and
- (e) Recreational Vehicles used during any declared emergency when authorized by the Chief of Police.

Section 4. Violations and Penalties:

Whoever violates the provisions of the By-Laws shall be punished by a fine of \$100.00 for the first offense, and \$200.00 for the second offense, and \$300.00 for the third and each subsequent offense.

Any Recreational Vehicle being operated by a person under the age of sixteen (16) years may be confiscated by the Arlington Police Department and held at the Arlington Police Station until retrieved by a parent or guardian.

Section 5. Enforcement:

The Arlington Police shall enforce the provisions of this By-Law.

ARTICLE 5 GRAFFITI AND VANDALISM (ART. 14, ATM – 05/14/07)

Section 1 Purpose and Intent

Vandalism and the existence of graffiti within the Town are considered a public and private nuisance.

The purpose of this bylaw is to protect public and private property from acts of vandalism and defacement, which is specifically intended to include the application of graffiti on such property.

Vandalism and graffiti affects the quality of life of residents, the rights and values of property owners, and the entire Arlington community; therefore, this bylaw shall be strictly enforced. For the purposes of this bylaw, graffiti is intended to mean the intentional painting, marking, scratching, etching, coloring, tagging, or other defacement of any public or private property without the prior written consent of the owner of such property.

Section 2 Prohibited Conduct

Whoever intentionally, willfully, maliciously, or wantonly destroys, defaces, mars, injures or applies graffiti to the real or personal property of another including, but not limited to, any part of any public or private building, appurtenance to such building, or any monument, tablet, statue, or other object erected to mark a public place or to commemorate an historic event or figure, or any equipment, apparatus or fixture located on or comprising public property, or any fence, wall, post, traffic signaling device or pole, awning, or any other structure, shall, upon conviction, be punished by the maximum criminal fine allowed by state law, and in addition, shall forfeit to the property owner the reasonable cost of repairing, replacing, removing or obliterating such defacement, graffiti or act of vandalism.

In addition such person shall be subject to a civil fine of two hundred dollars (\$200.00) which may be disposed in the first instance by the non-criminal disposition procedure provided in Title IX of the by-laws.

Section 3 Enforcement

Upon determining that graffiti exists on any private or other non-Town owned property and that such graffiti can be viewed from a public place within the Town, the Chief of Police, or their designee, shall mail or deliver a notice to the owner of the property on which the graffiti exists advising the owner that the graffiti must be removed within three business days.

In the case of graffiti on private property, the property owner shall, within three business days of delivery of the notice, either remove the graffiti or submit a written request to the Director of Public Works along with a release requesting the Town to enter the property and assist in removing the graffiti.

Upon receipt of the property owner's written request and release, the Director of Public Works, or the Director's designee, shall determine whether the Town can effectively assist in removal of the graffiti and if so, what procedures it can employ to facilitate such removal. If the Town assists in the removal of such graffiti, the Town shall charge the property owner a fee in the amount of the actual cost of removal.

Failure to remove the graffiti or make such request within three business days shall subject such owner to the provisions of G. L. c. 40, s. 21D and Article 2 of Title IX Enforcement and Fees of these bylaws with a fine of fifty dollars (\$50.00) per day each and every day to be considered a separate offense. Any fee charged by the Town for the cost of graffiti removal under this section remaining unpaid after sixty days of notice of such charge shall be subject to the provisions of G.L. c. 40, s. 58.

ARTICLE 6
MOBILE FOOD VENDORS
(ART. 14, ATM – 05/04/09)

Definitions. "Mobile food vendor," a mobile operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption either on or off premises, regardless of whether there is a charge for the food.

Permits. No one may operate as a Mobile Food Vendor within the Town without a permit from the Arlington Board of Health.

Any person applying for a permit must be duly licensed to operate a motor vehicle in the Commonwealth of Massachusetts or duly licensed in the state in which they reside. The operator of the vehicle must provide a valid State Hawker's license issued by the Commonwealth of Massachusetts before a Permit to Operate a Mobile Food Vehicle will be issued.

Vehicles. Mobile food vendor operations shall have identification, such as person's name and/or business name, city and telephone number in letters not smaller than three inches, on the left and right door panels of the vehicle or on the left and right sides of the trailer.

Any hawker who sells frozen desserts from a motor vehicle must equip said vehicle with a flashing amber dome light and front and rear warning lights which shall flash alternately and which shall be kept flashing when such vehicle is

stopped for the purpose of selling frozen desserts, in accordance with Chapter 101, section 16A, of the Massachusetts General Laws.

Operation. Mobile Food Vendors operating within the Town may not:

- (1) stand in one place in any public place or street for more than ten minutes unless actively vending;
- (2) vend within 150 feet of any school between the hours of 8:00AM and 3:00PM on school days during the school year;
- (3) stop or remain on any crosswalk;
- (4) park or remain within fifteen feet of any intersection;
- (5) vend in the parking lot of the Arlington Reservoir (bathing beach) located on Lowell Street at any time;
- (6) drive in reverse in order to make or attempt a sale; or
- (7) vend after 8:00PM or sunset, whichever is later, except for sporting events at illuminated Town fields.

ARTICLE 7
PUBLIC CONSUMPTION OF MARIHUANA
OR TETRAHYDROCANNABINOL
(ART. 16, ATM – 05/04/09)
(ART. 16, ATM – 04/28/10)

Section 1. No Public Consumption. No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in General Laws Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under control of the Town, or in or upon any bus or other passenger conveyance operated by a common carrier within the Town, or in any place accessible to the public within the Town.

Section 2. Violation and Penalties. Violation of Section 1 is punishable by a fine of \$300, enforceable through criminal indictment or complaint under General Laws Chapter 40, Section 21 or by non-criminal disposition under General Laws Chapter 40, Section 21D. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

ARTICLE 8
KEEPING OF HENS/POULTRY
(ART.12, ATM – 05/06/09)

SECTION 1. Purpose

- a. The purpose of this bylaw is to regulate the keeping of hens for the purposes of pets, home egg production, gardening, or similar purposes. This bylaw details the obligations of the hen keeper so as to prevent a nuisance to surrounding lots or any public health concerns, as well as the permit issuing process.

SECTION 2. Definitions

- a. Hen – a female chicken. “Chicken” may also be used to refer to hens.
- b. Henhouse or coop – a structure designed to house chickens.
- c. Pen or run – a completely enclosed outdoor area designed to allow chickens access to the outdoors while providing protection from predators.
- d. Predator – any creature that would seek to harm or consume chickens.
- e. Pests – any unwanted animal that would seek access to chicken feed, such as mice or rats.

SECTION 3. Nuisance Control

- a. Noise.
 - i. No roosters (male chickens) are permitted.
 - ii. The number of hens shall be limited to 6.
 - iii. Perceptible noise from chickens at the property boundary must conform to all existing noise bylaws.
- b. Odor.
 - i. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
 - ii. If possible, waste must be composted with carbonaceous material such as hay, bedding, or leaves. If the weather is

too cold, or composting is otherwise not possible, waste must be stored in a sealed container until disposal.

- iii. Weekly cleaning of henhouses is required, more frequent cleanings may be required as needed to prevent odor.
- iv. The henhouse and attached pen must conform to all relevant property setbacks for accessory structures as specified in sections 6.18 and 8.23 of the zoning bylaws.

c. Other

- i. All chickens shall be confined to the permit holder's property at all times to prevent wandering and straying onto other properties.

SECTION 4. Predator and Pest Control.

- a. Chicken feed must be stored securely in a rodent-proof container.
- b. Chicken feed leftover from feeding may not remain past dusk in an area accessible to rodents or other pests.
- c. Henhouse construction
 - i. Henhouse and attached pen must be constructed securely so as to exclude predators.
 - ii. The pen must be completely enclosed, including aviary netting or other predator-proof material across the top of the pen.
 - iii. Henhouse and food sources must be constructed and stored so as to exclude pests.
- d. Necessary measures must be taken to prevent a buildup of pest or rodent populations due to the presence of hens on the property.

SECTION 5. Health & Disease Concerns

- a. Hens must be enclosed and segregated from wild migratory fowl. They may only be allowed out of the enclosure into a securely fenced area when supervised.
- b. All henhouses shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, and not less than 50 feet from any well.
- c. The Board of Health or its agent may order the removal of the chickens upon a determination that the chickens pose a health risk.

- d. Chickens may not be slaughtered on a residential property within the border of the Town of Arlington.
- e. If a chicken dies, it must be disposed of promptly in a sanitary manner.

SECTION 6. Humane Treatment

- a. Chickens must be treated in a humane manner at all times, including access to fresh food, water and protection from the elements as needed.
- b. Chickens shall not be subject to debeaking or forced moulting.
- c. The henhouse must have a minimum interior floor surface of at least 2 square feet per bird.
- d. A pen area is required and must have a minimum ground surface of at least 5 square feet per bird.

SECTION 7. Regulation and Permit Process

- a. No person shall keep hens within the limits of the Town of Arlington, in any building, or on any premises of which such person is the owner, lessee, tenant or occupant, without first obtaining an annual permit from the Board of Health.
- b. In order to receive a permit the following must be completed:
 - i. A completed application form provided by the Board of Health;
 - ii. A submitted plan drawn to scale which includes the following information: Size of entire lot with existing structures as well as the henhouse and pen, including fences; distance of henhouse and pen from all abutters;
 - iii. A submitted written maintenance plan describing cleaning schedule, pest and predator control measures, and nuisance prevention measures.
 - iv. Verification that all abutters have been notified, not more than thirty(30 but no less than fourteen (14) days in advance of the hearing before the Board or its Agent, of the applicant's intent. Such verification shall be in the form of a signed letter or receipt from the U.S. Post Office that a certified letter has been received by each abutter.

- v. If the property where the hens are to be located is owned by multiple owners, written statements signed by all property owners granting permission.
- c. Action by Health Department on Initial Permit
 - i. Upon receipt of a completed application as defined above, the Board or its Agent shall inspect the property;
 - ii. The Board or its Agent shall provide a hearing for the applicant to speak regarding their application, and for abutters to express any concerns, questions, support or opposition to the application. The Board or its Agent may require the applicant to furnish additional information needed to make a determination whether to grant the permit.
 - iii. The Board or its Agent(s) shall act on the completed application. Notice of the Board's or its Agent(s)' decision shall be mailed to the applicant within seven (7) working days of the decision and will include any conditions imposed by the Board or its Agent(s);
 - iv. If the permit is issued, it shall be issued to the owner of the property or the tenant of the property with the written permission of the property owners. If permission from the property owners is rescinded, the permit shall be valid until the end of its annual renewal period; and
 - v. The issuance of such permit does not in any way relieve the permittee of the necessity to comply with other laws and regulations concerning zoning and construction. A henhouse and attached pen is considered an accessory structure similar to a greenhouse for zoning purposes.
- d. An initial inspection fee or an annual renewal fee for a permit shall be set by the Town Manager in consultation with the Board of Health. The appropriate fee shall be paid at the time the application is submitted for review. The fee shall not exceed the expected cost of processing the application.
- e. Fines may be charged for re-inspection or violations of this article, to cover the cost of any personnel time or expense. The amount of any fines may be set by the Board of Health; the amount of such fines

shall be publicly known in a manner that is customary and consistent with other Board of Health processes.

Any violation of the provisions of this article or of the permit shall be grounds for an order from the Code Enforcement Officer to revoke the permit, and remove the chickens and the chicken-related structures.

SECTION 8. Severability

- a. The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

**ARTICLE 9
PLASTIC BAG REDUCTION
(ART.17, ATM – 04/26/17)**

SECTION 1. Purpose and Intent

The reduction in the use of disposable single-use plastic shopping bags by retail establishments in the Town of Arlington (“Town”) is a public purpose that has positive impacts on the environment, including, but not limited to: protecting the marine environment, reducing solid waste and unnecessary strains on recycling resources, minimizing litter, reducing the Town's carbon footprint, and protection local water ways.

The purpose of this bylaw is to reduce the number of single-use plastic bags provided by all retail establishments in the Town by banning, after a reasonable phase-in period, the distribution of single-use bags provided at checkout.

SECTION 2. Definitions

- A. *Checkout Bag:* A carry-out bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include:
 - (1) Bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the retail establishments;

- (2) Laundry or dry cleaner bags;
- (3) Newspaper bags; or
- (4) Bags used to contain or wrap frozen goods, meat or fish, whether prepackaged or not, to prevent leakage or contain moisture.

B. *Department:* The Arlington Department of Health and Human services

C. *Director:* The Director of Health and Human services

D. *Disposable, Single-Use Plastic Shopping Bag:* Any checkout bag made predominately of plastic derived from either petroleum, natural gas, or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term, "disposable single-use plastic shopping bag" includes:

- (1) Degradable plastic bags/ and
- (2) Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.

The term "disposable single-use plastic shopping bag" shall not include:

- (1) Reusable bags;
- (2) Produce bags; or
- (3) Product bags.

As used in this definition, the terms, "produce bag" or "product bag" mean any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

E. *Reusable Bag:* A sewn bag with stitched handles that is: specifically designed and manufactured for multiple reuse; manufactured from polyester,

polypropylene, cotton or other durable material excluding polyethylene or polyvinyl chloride; and which also meets the following requirements.

- (1) Can carry at least 25 pounds over a distance of 300 feet;
- (2) Is machine washable or is made of a material that can be cleaned or disinfected at least 125 times; and
- (3) Is at least 4 mils (4/1000 inch) thick.

- F. *Recyclable Paper Bag:* A paper bag that is 100 percent recyclable and contains at least 40 percent post-consumer recycled content, and displays the words "Recyclable" and "made from [at least] 40% post-consumer recyclable content" in a visible manner on the outside of the bag
- G. *Retail Establishment:* Any commercial enterprise, whether for or not-for-profit, including, but not limited to the following: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, household goods stores and any other business that offers the sale and display of merchandise.

SECTION 3. Restrictions of Use of Disposable Plastic Shopping Bags

- A. No retail establishment,, as defined in section 2, shall provide a disposable plastic shopping bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale.
1. This section shall not preclude any retail establishment from making reusable bags available for sale to customers or utilizing recyclable paper bags at the point of sale or other checkout point.
 2. The Director may promulgate additional rules and regulations to implement this section consistent with the foregoing.

SECTION 4. Penalties and Enforcement

- A. Each retail establishment, as defined in section 2, located in the Town shall comply with this by-law.

1. If it is determined that a violation has occurred, the Director , or their designee in the Department, shall first issue a "warning notice" to the retail establishment for a first time violation.
 2. If after 14 days from receipt of the warning notice, the retail establishment continues to violate this by-law or commits a second violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.
 3. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - (i) \$50 for the first offense;
 - (ii) \$100 for the second offense;
 - (iii) \$150 for the third and all subsequent offenses.
 4. No more than on penalty shall be imposed upon a retail establishment within a seven calendar day period.
 5. Retail establishments shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Director.
- B.** The Director may promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.

SECTION 5 Effective Date

All of the requirements set forth in this by-law shall take effect on or before March 1, 2018, for retail establishments with a floor area equal to or exceeding 10,000 square feet, and on or before July 1, 2018, for retail establishments with a floor area of less than 10,000 square feet.

SECTION 6 Waivers

In the event that compliance with the effective date of this by-law is not feasible for a retail establishment because of either unavailability of alternative checkout bags or economic hardship, the Director may grant a waiver of not more than six

months upon application of the owner or owner's representative. The Director may provide one additional six-month waiver upon showing of continued infeasibility or hardship, as set forth above.

SECTION 7 Severability

The provisions of this bylaw are severable; and if any of the provisions of this bylaw shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

TITLE IX ENFORCEMENT AND FEES

ARTICLE 1 PROSECUTION AND PENALTIES

Section 1. Police Duty

It shall be the duty of the police to secure the observance of these By-Laws, and to make complaint against any person violating the same. Prosecutions for offenses under these By-Laws may be made by any constable, or police officer of the town, and all fines shall be paid into the Town treasury.

Section 2. Fine Amount

Whoever violates any provision of these By-Laws shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding twenty dollars (\$20.).

ARTICLE 2 NON-CRIMINAL DISPOSITION OF BYLAWS

(ART. 32, ATM – 05/04/92) (ART. 26, ATM – 05/01/95)
(ART. 45, ATM – 05/12/97) (ART. 13, ATM – 04/24/00)
(ART. 19, ATM – 06/20/05)
(ART. 19, ATM – 05/05/14)

Any provision of these bylaws may in the first instance may be enforced by the non-criminal disposition procedure provided by the provisions of Section 21D of Chapter 40 of the general Laws. The enforcing person shall be any police officer of the Town. Notwithstanding the foregoing a duly constituted agent of the Board of Health, who shall be a Town employee, shall be considered an enforcing person for purposes of:

Title III, Article 1, Section 22 (Rubbish Collection)
Title IV, Article 5, (Feeding of Waterfowl)
Title V, Article 2 (Junk Cars)
Title V, Article 4, (Smoking)
Title V, Article 9, (Dumpster Placement)
Title V, Article 12 (Noise Abatement)
Title VIII, Article 1, Section 6 (Cigarette Machines)
Title VIII, Article 2, Section 2 and 3 (Dogs)

Title VIII, Article 3, (Public Health)

In addition, any Animal Control Officer of the Town shall be considered an enforcing person for purposes of Title VIII, Article 2, Sections 2 and 3.

In addition, the Inspector of Buildings or any local inspector, the wire inspector, plumbing inspector and the Director of Fire and Support Services or the Director's designee shall be the enforcing person for purposes of Title VI in their respective areas of expertise.

ARTICLE 3**TOWN FEES AND CHARGES**

(ART. 3, STM – 11/30/88) (ART. 24, ATM – 05/04/92) (ART. 24, ATM – 05/04/92)

Section 1. Town Officers' Obligation

All Town Officers shall pay all fees received by them by virtue of their office into the Town Treasury.

Section 2. Office of the Town Clerk (* Amended on 3/18/04 per John Maher and 3/2/2009 per Juliana Rice)

- | | | |
|-------------|---|---------|
| A. | For filing and indexing assignment for the benefit of creditors. | \$15.00 |
| * B. | For entering amendment of a record of the birth of an illegitimate child subsequently legitimized | \$20.00 |
| * C. | For correcting errors in a record of birth | \$20.00 |
| * D. | For furnishing certificate of birth | \$10.00 |
| * E. | For furnishing an abstract copy of a record of birth | \$ 6.00 |
| * F. | For entering delayed record of birth | \$20.00 |
| * G. | For filing certificate of a person conducting business under any title other than their real name (which includes a certified copy) | \$30.00 |
| * H. | For filing by a person conducting business under any title other than their real name of statement of change of their residence, or of their discontinuance, retirement or withdrawal from, or of a change of location of such business | \$15.00 |
| * I. | For furnishing certified copy of certificate of person conducting business under any title other than their real name or a statement by such person of their discontinuance, retirement or withdrawal from such business | \$15.00 |

J.	For recording the name & address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth	\$20.00
* K.	For correcting errors in a record of death	\$20.00
* L.	For furnishing a certificate of death	\$10.00
* M.	For furnishing an abstract copy of a record of death	\$ 6.00
N.	For issuing & recording licenses to keepers of intelligence offices	\$50.00
O.	For issuing & recording licenses to keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, etc.	
	1st table or alley	\$60.00
	for each additional table or alley	\$25.00
* P.	For entering notice of intention of marriage and issuing certificates thereof	\$30.00
* Q.	For entering certificate of marriage filed by persons married out of the commonwealth	\$20.00
* R.	For issuing certificate of Marriage	\$10.00
* S.	For furnishing an abstract copy of a record of marriage	\$ 6.00
* T.	For correcting errors in a record of marriage	\$20.00
* U.	Dog Licenses	
	(1) Unspayed females	\$20.00
	(2) Spayed females	\$15.00
	(3) Males, unneutered	\$20.00
	(4) Males, neutered	\$15.00
V.	For recording power of attorney	\$15.00
W.	For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	\$20.00
X.	For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	\$20.00
Y.	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Sec.22 of Chap. 166 - 3.50 additional for each street or way included in such order flat rate	\$60.00
	additional fee	\$ 8.00

- Z.** For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than \$15.00
- AA.** For copying any manuscript or record pertaining to birth, marriage or death \$ 6.00
- BB.** For receiving & filing a complete inventory of all items to be included in a "closing out sale" etc. per pg. \$ 4.00
- CC.** For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Chap. 182 \$60.00
- DD.** For recording deed of lot or plot in a public burial place or cemetery \$12.00
- EE.** Recording any other documents per 1st page \$12.00
per additional page \$ 4.00
- FF.** For issuing burial permits \$10.00

Section 3. Office of the Treasurer and Collector of Taxes

Fees of the Treasurer's Office shall be in accordance with Section 15 of Chapter 60 and other appropriate provisions of the Massachusetts General Laws in addition to those set out below.

A. Tax Payment Research Report

1. All requests for tax payment research covering more than a two year period (excluding herein request for municipal lien certificate) must be in writing and paid in advance.
2. To prepare three year tax research report minimum \$12.00
For each additional year requested \$ 3.00

Section 4. Department of Community Safety

(ART. 24, ATM – 05/07/01) (ART. 24, ATM – 05/04/92)
(ART. 17, ATM –04/24/96)

- A. Fire Services Division - Chapter 148 Fees** The Schedule for fees for licenses and registrations relating to the keeping, storage and manufacture of any of the articles listed in Section 9 of Chapter 148 of the General Laws except fireworks, firecrackers and torpedoes, in

accordance with the provisions of Section 13 of said Chapter 148, as amended, shall be as follows:

- 1. Vehicles Containing Inflammable Fluids** Fees for licenses for garages and for keeping and storage for sale of petroleum products or any other inflammable fluids, required under Chapter 148 of the General Laws, Section 13, as amended, are hereby established as follows:

Aggregate Car Storage Capacity for each Garage Original	Fee for License
5 to 10 cars	\$36.00
11 to 50 cars	\$54.00
51 cars or over	\$90.00

2. Premises Storing Inflammable Fluids for Use or Sale

Fees or licenses for keeping and storage for sale of petroleum products or another inflammable fluids are hereby established as follows, except where the license is issued for the keeping and storage for direct consumption on the premises licensed or direct consumption by motor vehicles owned by the licensee or their assignee and not for sale of petroleum products or any other inflammable fluids:

Aggregate Storage Capacity for Entire Parcel of Land Licensed	Fee For Original License
Class A - 165 to 5,000 gallons	Flat fee of \$36.00
Class B - 500 to 5,000 gallons	Flat fee of \$36.00
Class C - 1,000 to 5,000 gallons	Flat fee of \$36.00
All classes - 5,001 to 10,000 gallons	\$7.00 per thousand gallons
All classes - 10,001 to 50,000 gallons	\$290.00
All classes - 50,001 to 100,000 gallons	\$360.00
All classes - 100,001 to 500,000 gallons	\$540.00
All classes - 500,001 to 1,000,000 gallons	\$900.00
Over 1,000,000 gallons	\$1,800.00

If a license is applied for solely for the purpose of keeping and storing for direct consumption on the premises licensed or for direct consumption by motor vehicles owned by the licensee or their assignee and not for sale, of petroleum products or any other inflammable fluids, the fee shall be (\$36.00).

Except as otherwise provided for in this section, the fee for a certificate of registration provided for in General Laws, Chapter 148, Section 13, as amended, shall be one-half of the license fees according to the schedule set forth above, payable to the Town Clerk annually on or before April 30th in each year.

3. Permits for Hazardous Activities Permits granted Section 10A -
Chapter 148 of the Massachusetts General Laws

Supervised display of fireworks	\$30.00
Oil burner installation or alteration	\$15.00
Installation of liquified petroleum equipment	\$30.00
Certificate of approval - flammable fluid tank trucks	\$20.00
Storing of gunpowder and small arms ammunition	\$15.00
Blasting of rock	\$100.00
Keeping, sale and use of model rocket engines	\$15.00
Use of salamanders for drying construction materials	\$15.00
Supervised firing of cannon	\$15.00
Tar Kettles	\$15.00

4. Installation of Fire Detection and Extinguishing Systems

Schedule of permit fees for the installation of fire detection and extinguishing systems required by the Commonwealth of Massachusetts Building Code:

Fire detection and alarm systems - 1 to 10 outlets \$15.00: each additional 10 outlets or fraction thereof \$8.00.

Fixed chemical, powder or inert gas extinguishing systems \$15.00.

Fire line and/or standpipe installations \$15.00 plus \$5.00 for each hose outlet.

To install a sprinkler system in an existing building, the fee will be \$18.00 minimum up to 10 sprinkler heads - additional heads \$2.00 each -

maximum \$250.00.

To install a sprinkler system in a new building, the fee will be \$18.00 minimum up to 10 sprinkler heads - additional heads \$2.00 each -
maximum \$250.00.

Plan examination fee for above will be \$30.00.

5. Fees For Fire Safety Services

Connecting private Fire Alarm Box to the municipal system

\$120.00 plus cost of materials

Private fire alarm systems tests \$20.00

Fire alarm master box connection \$325.00

Sprinkler or standpipe test or shutdown for repairs \$20.00

Licenses for land for explosives and Inflammable materials \$1800.00

Miscellaneous Inspections and Fees \$20.00

Underground Flammable Tank Removal or Relocation Fee \$360.00

Smoke Detector Inspections

1 family \$20.00

2 family \$30.00

3 to 5 family \$40.00

6 and up \$60.00

Research location of underground tanks

\$25.00 per hour, 1 hour minimum.

6. Penalty for Premature Work Where any work is started without a permit, all required fees will be twice the scheduled fee.

7. Fee For Medical Emergency Response Service The fees for use of the Town Rescue Vehicle shall equal the maximum allowable rate approved for any beneficiary of health insurance under Title XVIII of the Social Security Act for a medically necessary service as determined by the U.S. Secretary of Health and Human Services.

B. Office of the Building Inspector

1. Schedule of Building Permit Fees

New construction (including additions, alterations, repairs to existing buildings)

\$15.00 per \$1,000. of estimated cost of construction
minimum fee - \$36.00.

To demolish any building

\$15.00 per \$1,000. (cost of demolition)
minimum fee - \$36.00.

Signs

\$7.00 per \$100. (based on cost of sign)
minimum fee - \$36.00

Moving of a structure

\$60.00 for any building of assessed value under \$5,000
\$15.00 per \$10,000. for any building assessed valuation over \$5,000
minimum fee - \$60.00.

Preliminary permits for foundations

\$15.00 per \$1,000. of estimated cost of construction
minimum fee - \$30.00.

Buildings being built for and owned by Town, County, State or U.S. shall be exempt from paying fees. The Housing Authority will pay permit fees if Federal or State Grant programs allow them as a project cost.

Occupancy Permits

\$36.00 for commercial buildings
\$36.00 for single and two family dwellings
All other uses - \$30.00.

Petition to Building Board of Appeals

\$120.00.

Plan Review - (Zoning or Building Code)

\$5.00 per \$1,000. of estimated cost of construction. If no construction is contemplated, then \$50 per hour of Building Inspector's time. Fee may be waived at discretion of Building Inspector.

To inspect and certify buildings and structures in accordance with Section 108.5.1 and Table 108 of the Massachusetts State Building Code as revised.

If plan review is deemed necessary for large projects, it shall be done by outside consultants of which cost shall be paid for by applicants or owners, etc.

Where any work is started without a permit, all required fees will be triple the scheduled fee.

Re-inspection necessary because of violations or work not ready on a requested inspection - \$30.00 before inspection is made.

2. Schedule of Plumbing Permit Fees

\$24.00 per \$1,000 of estimated cost, or portion thereof, up to the first \$10,000.

\$6.00 per \$1,000 of estimated cost for that portion of valuation over \$10,000.

\$24.00 - minimum fee.

Work started without a permit - all fees shall be tripled.

3. Schedule of Gas permit Fees

\$24.00 per \$1,000 of estimated cost, or portion thereof, up to the first \$10,000.

\$6.00 per \$1,000 of estimated cost for that portion of valuation over \$10,000.

\$24.00 - minimum fee.

Work started without a permit - all fees shall be tripled.

4. Plumbing - Gas Combined

Gas fired, automatic water heaters shall be rated as one fixture.

5. Electrical Permits

\$24.00 per \$1,000 of estimated cost, or portion thereof, up to the first \$10,000.

\$6.00 per \$1,000 of estimated cost for that portion of valuation over \$10,000.

\$24.00 - minimum fee.

Work started without a permit - all fees shall be tripled.

6. Board of Examiner Fees For Building Licenses

\$48.00 for single class or combination of classes.

\$30.00 for renewal if renewed within 30 days of expiration.

\$42.00 for reissue after 30 days of expiration.

Section 5. Department of Human Resources

(*ART. 24, ATM – 05/07/01*) (*ART. 13, ATM – 04/30/03*)

A. Board of Health

1. Handling of Wood Alcohol Permit \$ 6.00
2. Fee for Clubs to Disperse Food and Beverages \$12.00
3. Home Caterer Permit Fee \$46.00
4. Garbage Removal Fee \$12.00
5. Inspection of Pasteurizing Plants \$50.00
6. Regulation of Milk Products \$12.00
7. Food Operator Permit Annual Fee \$120.00
8. Mobile Food Units \$95.00
9. Retail Food Permit Annual Fee \$65.00
10. Permit for Public and Semipublic Pools \$110.00
(Exclude nonprofit entities)
11. Tanning Facilities \$145.00
12. Waste Haulers \$110.00
13. Tobacco Vendor \$500.00
14. Massage Therapist \$50.00
15. Massage Establishment \$40.00
16. Camp \$55.00
17. Body Art Establishment \$1,000
18. Body Artist \$200.00
19. Reinstatement Fee \$100.00
20. Temporary Food Permits \$25.00 per event
(Exclude nonprofit entities)
21. Inspection of caterers providing services without Arlington based permit \$25.00 per function
22. Food Operator Plan Review \$100.00
23. Retail Food Plan Review \$50.00
24. Any failure by a food operator or retail food owner to correct any violation after follow-up inspection shall be subject to a daily \$50 fine, each day of violation to be considered a separate offense.

B. Sealer of Weights and Measures**1. Scales Etc**

Scale w/capacity over 10,000 lbs \$100.00

Scale w/capacity 5-10,000 lbs \$75.00

Scale w/capacity 1-5000 lbs \$50.00

Scale w/capacity 100-1000 lbs \$25.00

Scales/balances 10-100 lbs \$20.00

Scales/balances under 10 lbs \$10.00

Liquid capacity measure of cap. of
more than 1 gal. & measures on pumps (gasoline) \$15.00

Liquid measuring meter dia 1/2"-1" \$15.00

Liquid measuring meter dia over 1"

Vehicle tank pump \$50.00

Vehicle tank gravity \$60.00

Bulk storage \$72.00

Bulk storage w/cert. prover
\$36.00**2. Taximeter** \$20.00**3. Device to determine linear or area** \$15.00**4. Milk bottles or jars** \$20.00**5. Vehicle tanks used in sale of commodities by**

Liquid measure per 100 gal. \$20.00

6. Separate tanks - Same vehicle (each) \$20.00**7. All other weights and measures (Metric, Apothecary, Troy each)** \$2.50**8. Yard Sticks/Tapes** \$2.50**9. Scanners**

3 or less \$75.00

4 to 11 \$150.00

more than 11 \$250.00

10. Reverse Vending \$10.00**C. Youth Consultation Center** Fees established to maximum permitted by Rate
Setting Commission.

D. Athletic Field Users Fees*(ART. 78, ATM – 05/26/04)*

- (1) Organized adult groups: \$20.00 per hour
- (2) Out of Town groups: \$50.00 per hour

The Parks and Recreation Commission will establish rules and regulations to enforce the above. All receipts for this purpose shall be deposited into a revolving fund as established by Town Meeting for the maintenance and reconstruction of the playing fields of the Town.

Section 6. Select Board*(ART. 24, ATM – 05/07/01)*

1. Common Victualler	\$ 60.00
2. Food Vendor	\$ 60.00
3. Wine & Malt Beverages Only	\$1,750.00
4. All Alcohol Restaurant	\$3,000.00
5. All Alcoholic Club	\$1,000.00
6. One Day Alcohol.	\$ 25.00
7. Hackney Carriage & Public Auto	\$50.00 per unit
8. Class I and Class II	\$ 100.00
9. Lodging Houses	\$ 50.00
10. Fortune Telling	\$ 60.00
11. Public Entertainment	\$ 100.00
12. Secondhand Dealer	\$ 100.00
13. Automatic Amusement Devices	\$120.00 per unit
14. Contractor/Drainlayer	\$ 75.00
15. Dumpster Permit	\$ 24.00
16. Awning Permit	\$ 50.00

Section 7. Department of Public Works*(ART. 29, ATM – 05/09/01) (ART. 30, ATM – 05/09/01)**(ART. 23, ATM – 05/01/02)*

- A. Commercial trash pickup by the Department of Public Works shall require a sticker (s) sold by the Department of Public Works for a fee of \$2.30 per week per 4 cubic foot (or 32 gal) container attached to the container. Commercial trash containers without this sticker will not be collected.

- B. Items containing CRT (Cathode Ray Tubes) and white goods including major household appliances such as water heaters, air conditioners, stoves, and refrigerators shall be picked up by the Department of Public Works by appointment if the item is tagged with a sticker sold by the Department of Public Works for a fee of \$20.00.

Section 8. Interest on Unpaid Charges:

(ART. 40, ATM – 05/12/97) (ART. 13, ATM – 04/28/99)

Simple interest at 10% per annum shall accrue on all unpaid Town Fees and charges on the first day after the due date.

Section 9. Miscellaneous

(ART. 29, ATM – 05/09/01)

Bicycle Registration

\$4.00

ARTICLE 4**LICENSES AND PERMITS OF DELINQUENT TAXPAYERS**

(ART. 18, ATM – 04/27/88)

Section 1. Town Officers' Duty to Report

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section 2. Licensing Authority Denial

The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector, provided however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing to be held not earlier than fourteen days after said notice.

Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.

Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

Section 3. Payment Agreement

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

Section 4. Select Board Waiver

The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of their immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

Section 5. Nonapplication in Certain Licenses

This bylaw shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty one of chapter one hundred and forty.